



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 41] नई दिल्ली, शनिवार, अक्टूबर 14, 1967/आश्विन 22, 1889
 No. 41] NEW DELHI, SATURDAY, OCTOBER 14, 1967/ASVINA 22, 1889

इय भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे लिख भारत के असाधारण राजपत्र 30 सितम्बर 1967 तक प्रकाशित किये गये :--

The undermentioned Gazettes of India Extraordinary were published up to 30th September, 1967 :—

Issue No.	No. and Date	Issued by	Subject
451	S.O. 3408, dated 19th September, 1967.	Central Board of Direct Taxes.	The Income-tax (Determination of Export Profits) (No. 2) Rules, 1967.
452	S.O. 3409, dated 20th September, 1967.	Ministry of Education.	The International Copy-right (Second Amendment) Order, 1967.
	एस० ओ० 3410, दिनांक 20 सितम्बर, 1967।	शिक्षा मंत्रालय।	अन्तर्राष्ट्रीय कॉपीराइट (दूसरा संशोधन) आदेश, 1967।
453	S.O. 3411, dated 20th September, 1967.	Ministry of Commerce.	Quality Control and pre-shipment inspection of small tools and hand tools.
	S.O. 3412, dated 20th September, 1967.	Do.	The Export of Small Tools and Hand Tools (Quality Control and Inspection) Rules, 1967.
	S.O. 3413, dated 20th September, 1967.	Do.	Recognition of Inspection Agencies for quality control and inspection of small tools and hand tools for purpose of export.



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Issue No.	No. and Date	Issued by	Subject
	S.O. 3414, dated 20th September, 1967.	Ministry of Commerce	Recognition of the Indian Standards Institution Certification Mark with respect to small tools and hand tools.
454	S.O. 3415, dated 20th September, 1967.	Do.	Further amendments to the Exports (Control) Order, 1962.
455	S.O. 3416, dated 20th September, 1967.	Ministry of Petroleum and Chemicals.	The Drugs Prices (Display and Control) Third Amendment Order, 1967.
456	S.O. 3417, dated 21st September, 1967.	Ministry of Commerce	Direction that the East India Jute and Hessian Exchange Limited, Calcutta to suspend entering into forward contracts in jute goods, other than (i) transferable specific delivery contracts and (ii) non-transferable specific delivery contracts for a further period of seven days with effect on and from the 22nd September, 1967.
457	S.O. 3418, dated 21st September, 1967.	Cabinet Secretariat.	Amendment in the Government of India (Allocation of Business) Rules, 1961.
458	S.O. 3419, dated 22nd September, 1967.	Ministry of Finance.	Declaration that the areas shown in the schedule therein to be "urban areas".
459	S.O. 3420, dated 23rd September, 1967.	Ministry of Information and Broadcasting.	Approval of the film as specified therein.
460	S.O. 3482, dated 25th September, 1967.	Ministry of Finance.	Notifying the Maharashtra Co-operative Housing Finance Society Limited, Bombay.
461	S.O. 3483, dated 26th September, 1967.	Election Commission, India.	Allotment of symbols to the parties.
462	S.O. 3484, dated 27th September, 1967.	Ministry of Food, Agriculture, Community Development and Co-operation.	Amendment to S. R. O. 2989 dated 13th September, 1957.
463	S.O. 3485, dated 27th September, 1967.	Ministry of Commerce.	Further amendment to the Exports (Control) Order, 1962.
464	S.O. 3486, dated 28th September, 1967.	Election Commission, India.	Amendments in notification No. 508/UP/67, dated 11th January, 1967.
465	S.O. 3487, dated 28th September, 1967.	Ministry of Labour, Employment and Rehabilitation.	Appointment of Shri Kamla Sahai as the presiding officer of the Additional Labour Court Dhanbad.
	S.O. 3488, dated 28th September, 1967.	Do.	Appointment of Shri Kamla Sahai as the presiding officer of the Industrial Tribunal, Dhanbad.

Issue No.	No. and Date	Issued by	Subject
466	S.O. 3489, dated 28th September, 1967.	Ministry of Commerce.	Direction that the East India Jute and Hessian Exchange Limited, Calcutta, to suspend entering into forward contracts in jute goods, other than (i) transferable specific delivery contracts and (ii) non-transferable specific delivery contracts for a further period of seven days with effect on and from the 29th September, 1967.
467	S.O. 3490, dated 30th September, 1967.	Election Commission, India.	By-election of the Madras South Parliamentary Constituency in the State of Madras.
	S.O. 3491, dated 30th September, 1967.	Do.	Appointment of dates for the above bye-election (S.O. 3490)
	S.O. 3492, dated 30th September, 1967.	Do.	Fixation of hours for the above bye-election (S.O. 3490).

ऊपर लिखे अमावस्या राजपत्रों की प्रतियां प्रकाशन बन्धक, मित्रलि लाइन्स दिल्ली के नाम मांगपत्र भजने पर भेज दी जायगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 26th September 1967

S.O 3602.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission, in consultation with the Government of Andhra Pradesh hereby nominates Shri G. D. Qureshi as the Chief Electoral Officer for the State of Andhra

Pradesh with effect from the date he takes over charge and until further orders vice Shri N. K. Seth.

[No. 154/1/67.]

ORDERS

New Delhi, the 14th September 1967

S.O. 3603.—The Commission's Order No. AP-HP/36/67(II), dated the 16th August, 1967, published in the Gazette of India, Part II, section 3(ii), dated the 26th August, 1967, is hereby cancelled.

[No. AP-HP/36/67.]

New Delhi, the 20th September 1967

S.O. 3604.—Whereas the Election Commission is satisfied that Shri Ram Rachya Ram of village Kalupur, P.O. Newari, District Gaya (Bihar), a contesting candidate for election to the House of the People from Gaya constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ram Rachya Ram to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/43/67(14).]

S.O. 3605.—Whereas the Election Commission is satisfied that Shri Ishwar Chaudhary of Mohall Manpur Malahtoli, P.O. Buniadganj, Gaya District, a contesting candidate for election to the House of the People from Gaya constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ishwar Chaudhary to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[BR-HP/43/67(15).]

New Delhi, the 22nd September 1967

S.O. 3606.—Whereas the Election Commission is satisfied that Shri J. Subramaniam of Door No. 6/64, Marakkattai Omalur Taluk, Salem District, a contesting candidate for election to the House of the People from 15-Mettur Parliamentary constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri J. Subramaniam to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MD/HP/15/67(1).]

S.O. 3607.—Whereas the Election Commission is satisfied that Shri K. M. Chandrakesavan of Karuppur Post, Salem Junction, Madras State, a contesting candidate for election to the House of the People from 15-Mettur Parliamentary constituency, has failed to lodge an account of his election expenses in the manner required by Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri K. M. Chandrakesavan to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MD-HP/15/67(2).]

New Delhi, the 25th September 1967

S.O. 3608.—Whereas the Election Commission is satisfied that Shri Bhimrao Sambhaji Bhagat a contesting candidate for election to the House of the People from Wardha constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bhimrao Sambhaji Bhagat to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-HP/25/67.]

New Delhi, the 26th September 1967

S.O. 3609.—Whereas the Election Commission is satisfied that Shri Uma Shankar Jha of Village Mishrapur, P.O. Kumaitha, Bhagalpur (Bihar), a contesting candidate for election to the House of the People from Bhagalpur constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Uma Shankar Jha to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/28/67(17).]

New Delhi, the 27th September 1967

S.O. 3610.—Whereas the Election Commission is satisfied that Shri Chundurur Venkata Satyanarayana, First Beat Post, Tenali, a contesting candidate for election to the House of the People from 18-Guntur constituency, has failed to lodge an account of his election expenses required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chundurur Venkata Satyanarayana to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-HP/16/67.]

New Delhi, the 28th September 1967

S.O. 3611.—Whereas the Election Commission is satisfied that Shri Annabathula Apparao, Koratam Post, (via) Therlam, a contesting candidate for election to the House of the People from 3-Bobbili constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Annabathula Apparao to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-HP/3/67.]

New Delhi, the 29th September 1967

S.O. 3612.—Whereas the Election Commission is satisfied that Shri Chhitariya a contesting candidate for election to the House of the People from Morena constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chhitariya to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/1/67.]

S.O. 3613.—Whereas the Election Commission is satisfied that Shri Abul Hameed, 5-3-651, Nizamsahi, Hyderabad, a contesting candidate for election to the Andhra Pradesh House of the People from 26-Kurnool constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Abdul Hameed to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-HP/26/67.]

By order,

K. S. RAJAGOPALAN, Secy.

ERRATUM

The date of two orders of the Election Commission, India, published as S.O. Nos. 2876 and 2877, in the Gazette of India Part II—Section 3—Sub-section (ii), dated 26th August, 1967, should be "New Delhi, the 16th August, 1967" instead of "New Delhi, the 14th August, 1967".

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 30th September 1967

S.O. 3614.—In pursuance of clause (2) of article 324 of the Constitution, the President is pleased to appoint Shri S. P. Sen Varma as the Chief Election Commissioner with effect from the forenoon of the 1st October, 1967.

[No. F. 4 (13) (I)/67-Elec.]

S.O. 3615.—In exercise of the powers conferred by clause (5) of article 324 of the Constitution, the President is pleased to make the following rules for regulating the conditions of service and tenure of office of Shri S. P. Sen Varma, Chief Election Commissioner:—

1. The said Chief Election Commissioner shall hold office for a term of five years from the 1st October, 1967.

2. The said Chief Election Commissioner shall, except during any period of leave, be paid a salary of three thousand five hundred rupees per month.

3. The conditions of service of the said Chief Election Commissioner as respects leave of absence, leave salary, travelling allowances and all other matters shall be regulated by the same rules as are applicable to a Secretary to the Government of India who is a member of the Indian Administrative Service.

[No. F. 4(13) (II)/67-Elec.]

G. R. BAL, Jt. Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 29th September 1967

S.O. 3616.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby makes the following rules further to amend the Manipur Employees (Revision of Pay) Rules, 1966.

1. These rules may be called the Manipur Employees (Revision of Pay) Amendment Rules, 1967

2. In Schedule to the Manipur Employees (Revision of Pay) Amendment Rules, 1966.

(1) Under the heading 'Public Works Department' in column 2 against item No. 20 the words "Jugall (Electric)" shall be deleted.

[No. 1/16/65-HMT.]

V. P. MALHOTRA, Dy. Secy.

New Delhi, the 30th September 1967

S.O. 3617.—In exercise of the powers conferred by Sub-rule (1) of Rule 113 of the Defence of India Rules, 1962, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 518, dated the 22nd March, 1963, relating to the appointment of a Compensation Tribunal for the State of Madras, namely:—

In the said Notification, for item 1 and the entries relating thereto, the following shall be substituted, namely:—

"1. Shri N. S. Ramaswami, Principal Judge, City Civil Court, Madras, and"

[No. F. 43/34/67-Poll.I(B)]

N. VITTAL, Under Secy.

विदेश मंत्रालय

नई दिल्ली, 31 अगस्त 1967

एस० नो० 3618 .—राजनयिक एवं कॉमर्सी अधिकारी (शपथ एवं शुल्क) अधिनियम 1948 (1948 का 41) के खण्ड 2 की धारा (क) के अनुसूचन में केन्द्रीय सरकार इसके द्वारा भारतीय व्यापारिक अभिकर्ता, बहरीन, को कॉमर्सी अभिकर्ता का कार्य करने का अधिकार प्रदान करती है।

[सं० टी० 4330 (5)/67.]

एस० के० चटर्जी, अवसर सचिव

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 25th September 1967

S.O. 3619.—In exercise of the powers conferred by Section 126 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby delete the following Serial Nos. and the entries there against from the Schedule annexed to its Notification S.R.O. 1214 (No. 44-Income-tax), dated the 1st July, 1952 :—

2A, 3B, 4, 5, 6, 7, 16, 17, 22, 23, 24, 45, 71, 74A; 74B; 74C and 77.

[No. 9/F No. 55/129/67-IT(A2).]

S.O. 3620.—In exercise of the powers conferred by Section 126 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following addition to the Schedule annexed to its Notification No. 1 (F. No. 55/233/63-IT) dated the 18th/ May, 1964:

After S. No. 28 in the said Schedule, the following S. Nos. shall be added:

1	2	3	4	5	6
29.	Employees of the Southern Railway who are under the audit control of the Divisional Accounts Officer, Olavakkot, Palghat District, Kerala State.	Income-tax Officer, B-Ward, Palghat.	Inspecting Assistant Commissioner of Income tax, Calicut Range, Calicut.	Appellate Assistant Commissioner of Income tax Trichur Range Trichur.	Commissioner of Income-tax, Kerala, Ernakulam.
30.	Employees of the Arcot Mission of the Reformed Church in America, Vellore, North Arcot District stationed anywhere in the taxable territories.	1st Income Tax Officer, Vellore.	Inspecting Assistant Commissioner of Income tax, who has been appointed to perform the functions of Inspecting Asstt. Commissioner of Income-tax in respect of Income-tax referred to in column 3.	Appellate Assistant Commissioner of Income tax who has been invested with powers to hear appeals against the decisions of the Income-tax Officer referred to in column 3.	Commissioner of Income-tax, Madras-I.

1	2	3	4	5	6
31.	Military employees under the audit control of Controller of Military Accounts, Southern Command, Poona.	Income-tax Officer, Salaries and Re-funds, Poona.	Inspecting Assistant Commissioner of Income-tax, P.R. I, Poona.	Appellate Assistant Commissioner of Income-tax, P.R. II, Poona.	Commissioner of Income-tax, Poona.
32.	Employees whether civil or Military who are members of or attached to the Military Accounts Department and are under the audit control of the Field Controller of Military Accounts Officers and Clearing House, Poona.	-Do-	-Do-	-Do-	-Do-
33.	Persons (excluding those who fall under S. No. 34) not resident in the taxable territories and not assessed through statutory agents any part of whose income is derived from horse racing.	Income-tax Officer, 'A' Ward, Poona.	-Do-	-Do-	-Do-
34.	(i) Defence Services Employees under the audit control of the Controller of Defence Accounts (Officers), Poona and or the Controller of Defence Accounts (Other Ranks), Secunderabad excluding (a) Employees, whether Civil or Military, who are members of or are attached to the Military Accounts Department and (b) Employees who are partners in a firm in the taxable territories or who have income from business carried on in the taxable territories.	Income-tax Officer, General Headquarters, stationed at Poona.	-Do-	-Do-	-Do-
	(ii) Persons resident outside the taxable territories who at the time of departure from the taxable territories were Defence Services employees under the audit control of the Controller of Defence Accounts (Officers), Poona (or previously Field Controller of Military Accounts, Poona) or the controller of Defence Accounts (Other Ranks), Secunderabad and who are not under the audit control of any other Audit Officer in the taxable territories in respect of accounting periods during which they were Defence Service employees in Indian payment.	-Do-	-Do-	-Do-	-Do-
	(iii) Persons being widows or dependents of Defence Services employees, in the payment of the Controller of Defence Accounts (Officers), Poona (or previously Field Controller of Military Accounts, Poona) or the Controller of Defence Accounts (Other Ranks), Secunderabad.	-Do-	-Do-	-Do-	-Do-

1	2	3	4	5	6
35.	Covenanted and other employees of the Burmah Oil Company India (Trading) Limited working in Northern and Eastern India other than those stationed in Calcutta, having headquarters at Digboi.	Income-tax Officer, Digboi.	Inspecting Assistant Commissioner of Income-tax, Shillong Range, Shillong.	Appellate Assistant Commissioner of Income-tax, Gauhati Range, Gauhati.	Commissioner of Income-tax, Assam, Nagaland, Manipur & Tripura, Shillong.
36.	Covenanted and other employees of the Burmah Oil Company (India Concessions) Limited working in Northern and Eastern India other than those stationed in Calcutta, having headquarters at Digboi.	-Do-	-Do-	-Do-	-Do-
37.	Employees and pensioners of the United Luthian Church Mission who are resident in Andhra Pradesh State.	Income-tax Officer, D-Ward, Guntur.	Inspecting Assistant Commissioner of Income-tax, Guntur.	Appellate Assistant Commissioner of Income-tax, Nellore.	Commissioner of Income-tax, Andhra Pradesh, Hyderabad.
38.	Employees and pensioners of the Canadian Baptist Mission who are resident in Andhra Pradesh State.	Income-tax Officer, B-Ward Circle I, Kakinada.	Inspecting Assistant Commissioner of Income-tax, Vijayawada.	Appellate Assistant Commissioner of Income-tax, Kakinada.	-Do-
39.	Employees of the Deccan Airways Ltd., Secunderabad stationed anywhere in the taxable territories.	Income-tax Officer, B-Ward, Salary Circle, Hyderabad.	Inspecting Assistant Commissioner of Income-tax Range-I, Hyderabad.	Appellate Assistant Commissioner of Income-tax C-Range, Hyderabad.	-Do-
40.	Government servants under the audit of the Deputy Accountant General, Posts and Telegraphs, Nagpur.	2nd Income Tax Officer, Salary Circle, Nagpur.	Inspecting Assistant Commissioner of Income-tax, Nagpur Range, Nagpur.	Appellate Assistant Commissioner of Income-tax, 'A' Range, Nagpur.	Commissioner of Income-tax, Madhya Pradesh, Nagpur and Bhandara, Nagpur.
41.	Employees of the Central and Western Railway except those under the audit control of the Deputy Accountant General, Commerce, Works and Miscellaneous, Calcutta (Previously called Deputy Accountant General, Industries and Supply, Calcutta), working.				
(a)	at the headquarters and in the Bombay Division (C. Rly).	Income-tax Officer, S. B. I., Bombay	Inspecting Assistant Commissioner of Income-tax, P-Range, Bombay.	Appellate Assistant Commissioner of Income-tax, P-Range, Bombay.	Commissioner of Income-tax, City I, Bombay.
(b)	at the headquarters and in the Bombay Division (W. Rly.)	-Do-	-Do-	-Do-	-Do-

1	2	3	4	5	6
(c) in the Jhansi Division (C. Rly.)	Income-tax Officer, Jhansi	Inspecting Assistant Commission- er of Income-tax, A Range, Kanpur.	Appellate Assistant Commission- er of Income-tax, Range III, Kanpur.	Commissioner of Income-tax, U.P.I, Lucknow.	
(d) in the Ajmer, Jaipur and Kota Divisions of W. Rly.	Income-tax Officer, Salary Circle I, Jaipur.	Inspecting Assistant Commission- er of Income-tax, Jaipur Range, Jaipur.	Appellate Assistant Commission- er of Income-tax, B-Range, Jaipur.	Commissioner of income-tax, Rajasthan, Jaipur.	
(e) in the Bhavnagar, Division (W. Rly.)	Income-tax Officer, Circle II, Ward C, Bhavnagar	Inspecting Assistant Commission- er of Income-tax, Bhavnagar Range, Bhavnagar.	Appellate Assistant Commission- er of Income-tax, Bhavnagar Range, Bhavnagar.	Commissioner of Income-tax, Gujarat I, Ahmedabad.	
(f) in the Rajkot Division (W. Rly.)	Income-tax Officer, Circle II, Ward D, Rajkot.	Inspecting Assistant Commission- er of Income-tax Rajkot Range, Rajkot.	Appellate Assistant Commission- er of Income-tax, Rajkot Range, Rajkot.	Commissioner of Income-tax Gujarat I, Ahmedabad.	
(g) in the Baroda Division (W. Rly.)	Income-tax Officer, Circle II, Ward E, Baroda	Inspecting Assistant Commission- er of Income-tax, Baroda Range, Baroda	Appellate Assistant Commission- er of Income-tax, Baroda Range, Baroda	Commissioner of Income-tax, Gujarat II, Ahmedabad	
(h) in the Jabalpur Division (C. Rly.)	Income-tax Officer, E Ward, Jabalpur.	Inspecting Assistant Commission- er of Income-tax, Jabalpur Range, Jabalpur	Appellate Assistant Commission- er of Income-tax, 'A' Range, Jabalpur	Commissioner of Income-tax, Madhya Pradesh, Nagpur & Bhandara, Nagpur	
(i) in the Nagpur Division (C. Rly.)	2nd Income- tax Officer Salary Circle, Nagpur.	Do.	Do.	Do.	
(j) in the Bhusawal Division of C. Rly. and residing within the territorial jurisdiction of Commission- er of Income-tax, Poona.	Income-tax Officer, C-Ward, Jalgaon.	Inspecting Assistant Commission- er of Income-tax, A. R., Akola.	Appellate Assistant Commission- er of Income-tax, Jalgaon Range, Jalgaon.	Commission- er of Income-tax, Poona.	

1	2	3	4	5	6
(k)	in the Secunderabad and Sholapur Divisions of South Central Railway and residing within the territorial jurisdiction of Commissioner of Income-tax, Poona.	Income-tax Officer, D-Ward, Sholapur.	Inspecting Assistant Commissioner of Income-tax, P.R. II, Poona.	Appellate Assistant Commissioner of Income-tax, Sholapur Range, Sholapur.	Commissioner of Income-tax, Poona.

[No. 10 (F. No. 55/129/67-IT(A-II).]

New Delhi, the 30th September 1967

S.O. 3621.—In exercise of the powers conferred by sub-section (1) of section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendments to the Schedule appended to its Notification No. 20 (F. No. 55/-/62-I.T.), dated the 30th April, 1963 published as **S.O. 1293** on pages 1454-1457 of the Gazette of India Part II, Section 3 Sub-section (ii), dated the 11th May, 1963 as amended from time to time:—

- (1) Against S. No. 4, Bombay City I, under column 3 of the Schedule appended thereto, the existing entry "15. Survey Circles I to VIII" shall be deleted.
- (2) Against S. No. 5, Bombay City II, under Column 3 of the Schedule appended thereto,
 - (i) the following entry shall be deleted:
"2. A III Ward."
 - (ii) the existing items No. 3 to 11 shall be renumbered as 2 to 10.
- (3) Against S. No. 5-A Bombay City III, under Column 3 of the Schedule appended thereto, the following shall be added:—
"12. A III Ward"

[No. 122/F. No. 55/284/67-IT(A. II).]

CORRIGENDUM*New Delhi, the 25th September 1967*

S.O. 3622.—In exercise of the powers conferred by Section 126 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendment to the Schedule annexed to its Notification No. 1 (F. No. 55/233/63-IT), dated the 18th May, 1964:—

1. In the said Schedule against Serial No. 14 for the existing entry in Column 5, the following entry shall be substituted:
Appellate Assistant Commissioner of Income-tax, P.R.-II, Poona.
2. In the said Schedule against Serial No. 23, for the existing entries in Columns 3, 4 and 5, the following entries shall be substituted:—

Column 3:	6th Income-tax Officer, Madurai.
Column 4:	Inspecting Assistant Commissioner of Income-tax who has been appointed to perform the functions of an Inspecting Assistant Commissioner of Income-tax in respect of the Income-tax Officer referred to in Column 3.
Column 5:	Appellate Assistant Commissioner of Income-tax who has been invested with powers to hear appeals against the decisions of the Income-tax Officer referred to in Column 3.

[No. 11/F. No. 55/129/67-IT.]

A. RAGHAVENDRA RAO, Under Secy.

MINISTRY OF COMMERCE

New Delhi, the 4th October 1967

S.O. 3623.—The Central Government, having considered in consultation with the Forward Markets Commission the application for renewal of recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by the Mahesh Beopar Bhandar Company Ltd., Dhuri and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Company for a further period of three years from the 6th November, 1967 upto the 5th November, 1970 (both days inclusive) in respect of forward contracts in kapas.

2. The recognition hereby granted is subject to the condition that the said Company shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[No. 34(11)-Com.Genl./FMC/67.]

M. L. GUPTA, Under Secy.

(Office of the Joint Chief Controller of Imports and Exports)

ORDER

Calcutta, the 1st September 1967

S.O. 3624.—Whereas M/s. Manjula Industries, 13-D, Beadon Street, Calcutta or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 48/67/E&L, dated 27th July, 1967 proposing to cancel licence No. P/SS/1574513/C/XX/23/C/C/23-24, dated 16th November, 1966 for Rs. 17,100 (Rupees seventeen thousand and one hundred only) for import of (1) N.E. oils excluding those items specified A to M in remark column of the C.P. Book, (2) Aromatic Chemicals as shown in list V of appendix of the C.P. Book, (3) Chemicals N.O.S., (4) Broken Coral Reeds from the general area except South Africa and Rodasi granted to the said M/s. Manjula Industries, 13-D, Beadon Street, Calcutta by the Joint Chief Controller of Imports and Exports, Calcutta. The Government of India in the Ministry of Commerce in exercise of power conferred by clause 9 of the Imports (Control) Order, 1955 hereby cancel the said licence No. P/SS/1574513/C/XX/23/C/C/23-24, dated 16th November, 1966 issued to M/s. Manjula Industries, 13-D, Beadon Street, Calcutta.

[No. 48/67/E&L.]

J. MUKHERJI,

Dy. Chief Controller of Imports and Exports,
for Jt. Chief Controller of Imports and Exports.

(Office of the Jt. Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDER

New Delhi, the 22nd September 1967

S.O. 3625.—Whereas Messrs Gupta Optical Works, Sadar Bazar, Gurgaon or any bank or any other person have not come forward furnishing sufficient cause, against Notice No. G-1/67/ENF/CLA/1310 dated 19th May, 1967, proposing to cancel licence No. P/SS/1573557/C/XX/23-24 dated 25th August, 1966 for the imports of optical Rough Blanks for Rs. 21,849 granted to said M/s. Gupta Optical Works, Sadar Bazar, Gurgaon by the Joint Chief Controller of Imports and Exports (Central Licensing Area), New Delhi, Government of India, in the Ministry of Commerce in exercise of the powers conferred by the Clause 9 of the Import (Control) Order, 1955, hereby cancel the said licence No. P/SS/1573557/C/XX/23-24 dated 25th August, 1966, issued to M/s. Gupta Optical Works, Sadar Bazar, Gurgaon.

[No. G-1/67ENF/CLA/3271.]

Messrs. Gupta Optical Works,
Sadar Bazar,
Gurgaon.

RAM MURTI SHARMA,
Jt. Chief Controller of Imports and Exports.

(Office of the Chief Controller of Imports and Exports)**ORDER***New Delhi, the 29th September 1967*

S.O. 3626.—Mrs. Albert Bodwish, Ellangowan House, Mussorie was granted Customs Clearance Permit No. P/CC/2357424, dated 31st March, 1967 for Rs. 1.645 for import of car spare parts. She has applied for duplicate copy of the Custom Clearance Permit on the ground that the original Custom Clearance Permit has been lost or misplaced. It is further stated that the original Custom Clearance Permit was not registered with the Customs House and not utilised. In support of this contention, she has filed an affidavit. I am satisfied that the original Custom Clearance Permit No. P/CC/2357424, dated 31st March, 1967 has been lost or misplaced and direct that a duplicate Custom Clearance Permit should be issued to the applicant. The original Custom Clearance Permit is cancelled.

[No. 4/A-96/66-67/L-IV/Adhoc/766.]

P. C. NANDA,*Dy. Chief Controller of Imports and Exports.***MINISTRY OF STEEL, MINES AND METALS****(Department of Mines and Metals)***New Delhi, the 3rd October 1967*

S.O. 3627.—Whereas in pursuance of the notification of the Government of India in the late Ministry of Steel, Mines and Fuel (Department of Mines and Fuel) No. S.O. 702, dated the 18th March, 1960, under section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government has acquired 998.80 acres of land in village Balanda, Dera and Chantapara in the district of Dhenkanal;

And whereas, Shri Baji Nayak son of late Shri Kathi Nayak and Shri Ghane Behra son of Shri Baira Behra of Village Balanda P.O. and P.S. Dera Colliery District Dhenkanal (Orissa), the interested persons have under section 13 of the said, Act, preferred their claims for compensation for acquisition of their land measuring 1.72 acres which forms part of land so acquired before the Competent Authority;

And, whereas, the amount of compensation offered by the Competent Authority has been accepted by the said claimants under protest and there is a dispute as to the sufficiency of the amount of compensation offered;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 14 of the said Act, the Central Government hereby constitutes a Tribunal consisting of Shri P. K. Choudhary, Additional Judicial Commissioner, Ranchi, part-time Tribunal, for the purpose of determining the amount of compensation payable of these claimants.

[No. C2-21(1)/67.]

New Delhi, the 4th October 1967

S.O. 3628.—Whereas in pursuance of the notification of the Government of India in the late Ministry of Steel, Mines and Fuel (Department of Mines and Fuel) No. S.O. 2839, dated the 15th December, 1959, under section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government has acquired lands measuring 83.75 acres in the villages Bhukbhuki and Government Forest and the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the land measuring 10.75 acres in the villages Bhukbhuki and Government Forest in the District of Surguja.

And whereas Shri Khuman Singh s/o. Shri Dalpat Singh of village Bhukbhuki, Tahsil Manindragarh, Distt. Surguja (MP), the interested person, has under section 13 of the said Act, preferred his claim for compensation for acquisition of his land, 26 acres which form part of land so acquired to the competent authority;

And whereas the compensation offered by the Competent authority has been accepted by him only under protest and there is a dispute as to the sufficiency of the amount of compensation offered;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 14 of the said Act, the Central Government hereby constitutes a Tribunal consisting of Shri Padmakant Choudhary, Additional Judicial Commissioner, Ranchi, part-time Tribunal for the purpose of determining the amount of compensation payable to Shri Khuman Singh.

[No. C2-22(15)/63.]

M. S. K. RAMASWAMI, Dy. Secy.

MINISTRY OF HEALTH AND FAMILY PLANNING

(Department of Health)

ORDERS*New Delhi, the 29th September 1967 .*

S.O. 3629.—Whereas the Government of India in the late Ministry of Health has, by Notification No. 16-19/59-MI, dated the 1st April, 1960 made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956) recognised the medical qualification M.D. granted by the University of California for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956) the Central Government hereby specifies the period of two years with effect from the date of this order or so long as Dr. Barry Stefen Dorfman who possesses the said qualification, continues to work with the American Peace Corps, Hyderabad Regional Office, Hyderabad to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practise of the said Dr. Barry Stefen Dorfman shall be limited.

[No. F. 19-40/67-MPT.]

S.O. 3630.—Whereas the Government of India in the late Ministry of Health has, by Notification No. 16-8/63-MI(MPT), dated the 4th June, 1964, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification "M.D. (Texas University, USA)" for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956) the Central Government hereby specifies the period commencing from the date of issue of this Order to the 31st December, 1967, or so long as Dr. Whitcher Jr. John Page who possesses the said qualifications, continues to work with the American Peace Corps, Bangalore Regional Office, Bangalore to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Whitcher Jr. John Page shall be limited.

[No. F. 19-33/67-MPT.]

L. K. MURTHY, Under Secy.

MINISTRY OF TRANSPORT AND SHIPPING

(Transport Wing)

MERCHANT SHIPPING*New Delhi, the 28th September 1967*

S.O. 3631.—In pursuance of rule 5 of the Indian Merchant Shipping (Seamen's Employment Office, Calcutta) Rules, 1954, the Central Government hereby establishes a Seamen's Employment Board (Foreign-going) at the port of Calcutta for a period of two years with effect from the date of issue of this notification and appoints the following persons to be members thereof, namely:—

- | | |
|---|--|
| 1. The Director General of Shipping. | } Members
representing
Government. |
| 2. The Deputy Director General of Shipping, incharge of Seamen's Employment Office, Calcutta. | |
| 3. The Labour Commissioner, West Bengal, Calcutta. | |
| 4. The Director, National Employment Service, West Bengal, Calcutta. | |
| 5. The Director, Seamen's Employment Board Office, West Bengal, Calcutta | |

6. Captain A.B. McSweeney.
7. Shri P.I.D. Barty
8. Shri N. Lat f
9. Shri R.N. Ghosal
10. Shri K. Raghavan

} Members
representing
Shipowners.

11. Shri Ajit Chakravarty
12. Shri Bijoy Mukherjee
13. Shri K.P. Roy.
14. Shri N.C. Bharadwaj
15. Shri Bikas Majumdar

} Members
representing
Seamen.

2. The Director General of Shipping shall be the Chairman of the Board. The Deputy Director of Shipping incharge of Seamen's Employment Office, Calcutta shall be the Vice-Chairman of the Board. The Director, Seamen's Employment Office, Calcutta shall be the Secretary of the Board.

[No. 15-MT(4)/67.]

K. V. SANKARAN, Dy. Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY

(Deptt. of Works and Housing)

New Delhi, the 30th September 1967

S.O. 3632.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Works and Housing No. S.O. 2036 dated 9th July 1965, namely :

In the Table below the said notification for the entries in column 1 against serial No. 2, the following shall be substituted, namely :

S. No. 2. Administrative and Chief Accounts Officer, Security Paper Mill Project, Hoshangabad.

[No. F. 21012(8)/67-Pol.]

V. P. AGNIHOTRI, Dy. Secy.

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 30th September 1967

S.O. 3633.—In pursuance of the Provisions of sub-section 4 of Section 22 of the Delhi Development Act, 1957, the Delhi Development Authority has replaced at the disposal of the Central Government the land described in the Schedule below for placing it at the disposal of the Land & Development Officer, Ministry of Works Housing and Urban Development, Government of India, New Delhi for further transfer to Pindi Gheb Khalsa Middle, School, Doriwallan, Delhi.

SCHEDULE

Piece of land measuring 1406 sq. yds. bearing Khasra Nos. 54/27, 55/27, 56/27, 57/27, 58/27, 66/27 and 68/27 situated in Bagh Raoji Estate.

The above piece of land is bounded as follows :—

NORTH : Gali.

SOUTH : Gali.

EAST: Road Doriwallan & Plot No. 69.

WEST : Plot No. 53 and Plot No. 65 staff quarters.

[No. L2(56)61.]

M. L. MONGIA, Secy.
Delhi Development Authority.

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 28th September 1967

S.O. 3634.—In exercise of the powers conferred by Section 9 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following rules further to amend the Indian Post Office Rules, 1933, namely:—

1. These rules may be called the Indian Post Office (Tenth Amendment) Rules, 1967.

2. In sub-rule (2) of rule 30, for the words "*bona fide* subscribers" the words "*bona fide* subscribers who have paid their subscriptions" shall be substituted.

[No. 5/8/67-CI.]

New Delhi, the 4th October 1967

S.O. 3635.—In exercise of the powers conferred by section 21 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following rules further to amend the Indian Post Office Rules, 1933, namely:—

1. These rules may be called the Indian Post Office (Eleventh Amendment) Rules, 1967.

2. In rule 183 of the Indian Post Office Rules, 1933, in clause (a), for the words "on service of the Government of India", the words "on Government service" shall be substituted.

[No. 10/4/67-CI.]

DALJINDER SINGH,
Director Postal Technical.

**OFFICE OF THE COLLECTOR OF CENTRAL EXCISE
MADHYA PRADESH AND VIDARBHA**

CORRIGENDUM

CENTRAL EXCISE

Nagpur, the 27th September 1967.

S.O. 3636.—For the letters and figure "A. R. 6" appearing against Rule 96ZD(2) in column No. 3 of the Table subjoined to this Collectorate Notification No. 6/1967-C. Ex., dated the 14th August, 1967, read "A. R. 10".

[No. 7/1967.]

VIPIN MANEKLAL,
Collector.

THE MADRAS CENTRAL EXCISE, COLLECTORATE, MADRAS

CORRIGENDUM

Madras, the 27th September 1967

S.O. 3637.—In column No. 2 against S.No. 5 of the Table appended to this Collectorate Notification/Central Excises C. No. V(16B)3/3/67-CXII., dated 14th August, 1967, for the letters and figure "A.R. 6", read "A.R. 10".

[C. No. V(16B)3/3/67-CX.II.]

S. VENKATARAMAN, Collector.

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, DELHI**CENTRAL EXCISES***Delhi, the 3rd October 1967*

S.O. 3638.—The following correction shall be made in this Collectorate Notification No. 6/67 (Central Excises), namely:—

In column 4 against the powers of Superintendent and Assistant Collector under Central Excise Rule 96ZD(2), for the letters and figure "A.R.6", read "A.R. 10".

R. PRASAD,

Collector of Central Excise, Delhi.

[No. 7/67.]

MINISTRY OF FINANCE
(Department of Economic Affairs)
New Delhi, the 29th September 1967

S.O. 3639. - Statement of the Affairs of the Reserve Bank of India as on the 22nd September 1967.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes	15,92,23,000
		Rupee Coin	3,76,000
Reserve Fund	80,00,00,000	Small Coin	3,20,000
National Agricultural Credit (Long Term Operations) Fund	131,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal	..
		(b) External	..
		(c) Government Treasury Bills	356,68,02,000
National Agricultural Credit (Stabilisation) Fund	25,00,00,000	Balances Held Abroad*	23,97,44,000
National Industrial Credit (Long Term Operations) Fund	30,00,00,000	Investments**	171,10,72,000
		Loans and Advances to :—	
		(i) Central Government	..
		(ii) State Governments &c	18,78,50,000

LIABILITIES	Rs.	ASSETS	Rs.
Deposits :—		Loans and Advances to :—	
(a) Government		(i) Scheduled Commercial Banks †	81,10,000
(i) Central Government	88,15,38,000	(ii) State Co-operative Banks††	162,18,19,000
(ii) State Governments	9,78,86,000	(iii) Others	2,35,30,000
(b) Banks		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund :—	
(i) Scheduled Commercial Banks	136,64,29,000	(a) Loans and Advances to :—	
(ii) Scheduled State Co-operative Banks	5,81,46,000	(i) State Governments	28,30,79,000
(iii) Non-Scheduled State Co-operative Banks	72,70,000	(ii) State Co-operative Banks	14,11,47,000
(iv) Other Banks	20,10,000	(iii) Central Land Mortgage Banks	7,30,80,000
(d) Others	264,84,93,000	(b) Investment in Central Land Mortgage Bank Debentures	
Bills Payable	32,49,82,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund :—	
Other Liabilities	38,11,16,000	Loans and Advances to State Co-operative Banks	8,54,52,000
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund :—	
		(a) Loans and Advances to the Development Bank	5,24,15,000
		(b) Investment in bonds/debentures issued by the Development Bank	
		Other Assets	32,38,51,000
	Rupees		Rupees
	847,78,70,000		847,78,70,000

*Includes Cash and Short-term Securities.

**Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. NIL advanced to scheduled commercial banks against usance bills under section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 27th day of September, 1967.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 22nd day of September 1967.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department.	15,92,23,000		Gold Coin and Bullion:—		
Notes in circulation	2897,08,90,000		(a) Held in India	115,89,25,000	
Total Notes issued		2913,01,13,000	(b) Held outside India	
			Foreign Securities	166,42,00,000	
			TOTAL		282,31,25,000
			Rupee Coin		80,78,29,000
			Government of India Rupee Securities		2549,91,59,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		2913,01,13,000	TOTAL ASSETS		2913,01,13,000

Dated the 27th day of September 1967.

B. N. ADARKAR,
Dy. Governor.

[No. F.3(3)-BC/67.]

S.O. 3640.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Eastern Bank Ltd., Calcutta in respect of the House Property known as 'Runnymede' held by it at No. 1 Boat Club, I, Avenue, Mowbrays Garden, Raja Annamalipuram (Adyar), Madras-28 till the 16th September, 1969.

[No. F. 15(19)-BC/67.]

New Delhi, the 3rd October 1967

S.O. 3641.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 9 of the said Act shall not apply to the Bank of Behar Ltd., Patna, in respect of the undernoted immovable properties held by it, till the 5th October, 1969.

1. Piece of land with a House Bearing No. 52/18 in Mohal Collectorganj, Shakkarpati in Kanpur City.
2. Piece of land measuring 5 Bighas 4 Biswas 17 Biswansi comprising of (i) Plot No. 1040 measuring 2 Bighas 2 Biswas in Mohal Dalip Singh and 1 Bigha 1 Biswa in Mohal Pragdutta, and (ii) Plot No. 250 measuring 2 Bighas 1 Biswa 17 Biswansi in Mohal Pragdutta all situated in village Naubasta at Hamirpore Road, District Kanpur along with 19 quarters, boundary wall and garden, etc.

[No. F. 15(18)-BC/67.]

V. SWAMINATHAN, Under Secy.

(Department of Revenue & Insurance)

INCOME-TAX

New Delhi, the 23rd September 1967

S.O. 3642.—In exercise of the powers conferred by sub-section (8) of Section 88 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Sri Venkateswara Mandir Society, New Delhi, to be a place of public worship of renown throughout the Union Territory of Delhi for the purpose of the said section.

[No. 106 F. No. 16/39/67-IT(AI).]

S.O. 3643.—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Medical Research, the "prescribed authority", for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (43 of 1961).

INSTITUTION

THE TUBERCULOSIS ASSOCIATION OF INDIA, NEW DELHI

[No. 107/F. No. 10/46/66-IT(AI).]

S.O. 3644.—It is hereby notified for general information that the institution mentioned below has been approved by the Council of Scientific and Industrial Research, the "prescribed authority" as an institution engaged in research in Social Science for the purposes of clause (iii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (43 of 1961).

INSTITUTION

SRI AUROBINDO SOCIETY, PONDICHERRY-2.

[No. 108/F. No. 10/28/67-IT(AI).]

J. C. KALRA, Dy. Secy.

(Department of Revenue and Insurance)

INCOME-TAX

New Delhi, the 26th September 1967

S.O. 3645.—Under the provisions of the proviso to sub-section (2) of section 4 of the Taxation Laws (Extension to Union Territories) Regulation, 1963 (3 of 1963), the Central Government hereby determines that any reference to an officer, authority, tribunal or court mentioned in column 2 of the Table below in any law in force in the Union Territory and corresponding to the Income-tax Act, 1961 (43 of 1961), shall be construed as a reference to an officer, authority, tribunal or court mentioned in column 3 thereof:

Sl. No.	Designation of the authority under French Law	Designation of the corresponding authority under the Indian Income-tax Act, 1961.
1.	2.	3.
1.	Council De Contentieux Administratif	Appellate Assistant Commissioner of Income-tax.
2.	Council, l'Etat	} Appellate Tribunal } High Court* } Supreme Court*

*for questions of law only.

[No. 110/F. No. 22/6/66-IT(A-II).]

WASIQ ALI KHAN, Dy. Secy

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION**(Department of Labour and Employment)***New Delhi, the 26th September 1967*

S.O. 3646.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Mica Mines of Messrs Eastern Manganese and Minerals Limited, Post Office Domchanch, District Hazaribagh and their workmen, which was received by the Central Government on the 20th September, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR.*New Delhi, the 6th September 1967***PRESENT:**

Shri G. C. Agarwala—Presiding Officer.

REFERENCE No. 63 OF 1966 (DHANBAD TRIBUNAL)

REFERENCE No. CGIT/LC(R)(86)/67 (JABALPUR TRIBUNAL)

In the matter of an industrial dispute between the employers in relation to Mica Mines of Messrs. Eastern Manganese and Minerals Limited, Post Office Domchanch, District Hazaribagh and their workmen.

APPEARANCES:

For employers—Shri Girdhar Gopal, Labour Welfare Officer.

For workmen—None.

INDUSTRY: Mica Mine.**DISTRICT:** Hazaribagh (Bihar).**AWARD**

The Ministry of Labour and Employment, Government of India, by Notification No. 20/9/65-LRI dated 26th March, 1966 referred the following matter of dispute for adjudication to the Central Government Industrial Tribunal, Dhanbad:—

Matter of Dispute

- (1) Whether the retrenchment of the following workmen by the Mica Mines of Messrs Eastern Manganese and Minerals Limited, Post Office Domchanch, District Hazaribagh with effect from the dates noted against each was justified?
- (1) Shri D. K. Pathak, Mining Asstt., Mahua U.C. & DWKS Mine—13th October, 1965.
- (2) Shri Sidh Nath Ojha, Mining Asstt. Mahua U.C. & DWKS Mine—13th October, 1965.
- (3) Shri Kamal Barhi, Carpenter, Mahua U.C. & DWKS Mine—13th October, 1965.
- (4) Shri Sibmurat Dubey, Pump Khalasi, Mahua U.C. & DWKS Mine—13th October, 1965
- (5) Shri Alijan Mian, Shotfirer, Mahua U.C. & DWKS Mine—13th October, 1965.
- (6) Shri Bhim Lohar, Compressor Driver, Barahawa No. 7 Mica Mine—8th October, 1965.
- (7) Shri Satya Narain Dubey, Pump Khalasi, Barahawa No. 7 Mica Mine—8th October, 1965.
- (8) Shri Phagu Mahato, Shotfirer, Barahawa No. 7 Mica Mine—8th October, 1965.
- (9) Shri Lalo Bhulan, Unskilled Worker, Barahawa No. 7 Mica Mine—8th October, 1965.
- (10) Shri R. K. Verma, Mining Asstt., Veloria U.C. & DWKS Mine—13th October, 1965.
- (11) Shri Ram Kirt Singh, Durwan, Veloria U.C. & DWKS Mine—13th October, 1965.
- (12) Shri Amrit Passi, Shotfirer, Veloria U.C. & DWKS Mine—13th October 1965.
- (13) Shri Rameshwar Barhi, Carpenter, Veloria U.C. & DWKS Mine—13th October, 1965.

(14) Shri Phulo Hazam, Shotfirer, Veloria U.C. & DWKS Mine—13th October, 1965.

(15) Shri Ramchit Singh, Veloria U.C. & DWKS Mine—13th October, 1965.

(16) Shri Mahavir Singh, Gunman, G.L.U.C. & DWKS Mine—21st October, 1965.

(17) Shri P. N. Dubey, Mining Asstt., G.L.U.C. & DWKS Mine—21st October, 1965.

(18) S.ri Rukni Gopin, Water Carrier, G.L.U.C. & DWKS Mine—21st October, 1965.

(19) Shri Bishan Chasa, Shotfirer, G.L.U.C. & DWKS Mine—21st October, 1965.

(20) Shri Kokil Barhi, Skilled Worker, G.L.U.C. & DWKS Mine—21st October, 1965.

(2) If not, to what relief are they entitled?

The proceedings remained pending before the Dhanbad Tribunal till transferred to this Tribunal by Notification No. 8/25/67-LRII dated April 25, 1967.

Neither party filed any written statement of claim either before the Dhanbad Tribunal or this Tribunal. Repeated notices were sent but neither party appeared and ultimately the employers have today appeared and have filed a compromise petition, terms of which are reproduced in the annexure. It is signed by the General Secretary of the Union and the representative of the management. The compromise petition appears to be a *bona fide* settlement of the dispute. It relates to retrenchment of 20 workmen of the Mine. By the terms of settlement it appears that the Union has agreed to accept the legality of the retrenchment and legal dues have been paid by the management to the workmen concerned. An award is, therefore, recorded in terms of compromise settlement.

(Sd.) G. C. AGARWALA,

Presiding Officer,
6-9-1967..

ANNEXURE

Before the Industrial Tribunal-cum-Labour Court, Jabalpur.

Camp: Dhanbad.

Case: Eastern Manganese & Minerals Ltd

Vs.

Their workmen represented by the Abhrak Mazdur Union,

Letter No. CGIT/LC(R)(86)/67 dated 14th August, 1967.

Sir,

In the above case we most humbly submit that subsequent to the Conciliation proceedings and submission of report to the Government the workers concerned agreed to retrenchment with the consent of the Union and accordingly all the legal dues were paid to them by the Management.

Now there is no complaint existing against the Management to this context.

We, therefore, pray that the above case be disposed of as settled.

Representative of the workmen.

Representative of the Management.

Sd/- HARISH CHANDRA MISRA, Genl. Secy. 5/9/67.

(Sd.) Illegible.

Abhrak Mazdur Union, P.O. Jhumritelaiya.

For Eastern Manganese & Minerals.

Distt. Hazaribagh.

Ltd., P.O. Domchanch, Distt. Hazaribagh.

Dated: 5th September, 1967.

Part of Award

(Sd.) G. C. AGARWALA,

Presiding Officer.

Central Govt. Industrial Tribunal-cum-

Labour Court, Jabalpur.

6-9-1967.

[No. 20/9/65-LRI.]

New Delhi, the 28th September 1967

S.O. 3647.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Pakher Bauxite Mine of Messrs. Aluminium Corporation of India Limited, Post Office Lohardaga, District Ranchi and their workmen, which was received by the Central Government on the 21st September, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR.

New Delhi, the 12th September 1967

PRESENT:

Shri G. C. Agarwala—Presiding Officer.

REFERENCE No. 27 OF 1965 (DHANBAD TRIBUNAL)

REFERENCE No. CGIT/LC(R) (78)/67 (JABALPUR TRIBUNAL)

PARTIES:

Employers in relation to the Pakher Bauxite Mine of Messrs Aluminium Corporation of India Limited, Post Office Lohardaga, District Ranchi (Bihar)

Vs.

Their Workmen, represented through Ranchi District Bauxite and China Clay Mines Employees' Union, P.O. Lohardaga, Distt. Ranchi.

APPEARANCES:

For employers—Sri D. Prakash, Authorised representative.

For workmen—Sri A. P. Pande, Joint Secretary, Ranchi District Bauxite & China Clay Mines Employees' Union, P.O. Lohardaga, Distt. Ranchi.

INDUSTRY: Bauxite Mine.

District: Ranchi (Bihar).

AWARD

By Notification No. 24/6/65-LR-I dated 19th February 1965, the Ministry of Labour and Employment, Government of India, referred the following matter of dispute to the Central Government Industrial Tribunal, Dhanbad, for adjudication:—

Matter of Dispute

Whether the action of the management of the Pakher Bauxite Mine of Messrs Aluminium Corporation of India Limited, Post Office Lohardaga in dismissing Shri S. K. Jabooruddin a piece-rated workman is justified? If not, to what relief is the workman entitled?

The proceedings remained pending before the Dhanbad Tribunal from 8th March 1965 till transferred to this Tribunal by Notification No. 8/25/67-LR-II dated April 25, 1967.

After issue of usual notices on the first date of preliminary hearing on 22nd June 1967 certain issues were framed which need not be reproduced as after evidence was concluded on the whole case on 17th August 1967 and arguments were heard it has transpired that the dispute is not an industrial dispute which could confer jurisdiction to this Tribunal to adjudicate.

The facts are that Sri S. K. Jabooruddin was a piece-rated workman and was a sort of leader of workers in the mine. He was charge-sheeted on 1st August 1964 for having assaulted Sri L. M. Singh, Geologist on 30th July 1964. After his explanation was considered a domestic enquiry was held and he was ultimately dismissed on receipt of the finding of the Enquiry Officer by means of an order dated 5th November 1964 to be effective from 11th November 1964. After the cause of action had arisen and before he was dismissed it appears that he transferred his allegiance to the sponsoring Union, the Ranchi District Bauxite and China Clay Mines Employees' Union, P.O. Lohardaga, District Ranchi. As admitted by the own witness of workman, Sri Mahabir Ram Verma (W.W.1) Jaboorudin applied and became member of the Union on 29th October 1964. The counterfoil receipt for payment subscription is Ex. W/1-A in the Counterfoil Receipt Book Ex.W/1. The Register of Membership (Ex.W/2) which is maintained separately for each mine records the name of Jabooruddin at Sl. 13. A perusal of this register would show that this Union started operating for the first time from 18th October, 1964 and enlisted membership of 121 workers between the months of October, and November, 1964. Before that, the Union had no connection with this mine. As a matter of fact, Sri Mahabir Ram Verma, Vice Secretary (W.W.1) admitted that Jaboorudin was

member of another union, Chota Nagpur Bauxite Union, till June or July, 1964 but he stated that he resigned from that union and approached the sponsoring Union for membership. Jaboorudin workman concerned (W.W.2), however, did not state that he resigned membership of Chota Nagpur Bauxite Union in June or July, 1964. All that he stated was that he and a few others had been approaching this sponsoring union since June 1964 but was advised by the Secretary that when more persons become agreeable then they would be enlisted. It follows, therefore, that the activities of this Union commenced only from October, 1964 and before that it had no connection with the mine. The question for determination, therefore, is whether a union which had no connection with the employers at the time of the cause of action and the workman concerned was not a member of that union at that time, could the subsequent action of the workman becoming member of the Union and the Union becoming representative by enlistment of a sufficient number of workmen, the dispute can validly be espoused by it so as to become an industrial dispute. It will be a question of law what shall be the material time namely the time when cause of action arose or at the time of punishment. In order that a dispute could be sponsored by a Union in respect of an individual workman, the material time is that when the act has happened. It has to be proved that the workman concerned was a member of the said Union on the material date. Their Lordships of the Hon'ble Supreme Court in *Workmen of Dimakuchi Tea Estate Vs. Management of Dimakuchi Tea Estate*, reported in 1958 (1) LLJ p. 500 prescribed two tests and one of them was that the person regarding whom the dispute is raised must be one in whose employment, non-employment, terms of employment or conditions of labour, the parties to the dispute must have a direct and subsisting interest. When a workman was not a member of their Union they could not obviously have a subsisting interest when the cause of action arose. The latest case of the Hon'ble Supreme Court in *Workmen of Dharampal Premchand (Saugandhi) Vs. Dharampal Premchand (Saugandhi)* reported in 1965 (1) LLJ p. 668 reiterated the fact that the membership of the worker must be a subsisting one. In none of the Hon'ble Supreme Court cases the point was directly in issue and was not considered specifically. There are, however, cases of High Courts two of which are *Shamsuddin Vs. State of Kerala* and others reported in 1961 (1) LLJ p. 77 (High Court, Kerala) and another *Padarth Ratnam Company Vs. Industrial Tribunals* and others reported in 1958 (1) LLJ p. 290 in which the point was directly in issue. In both these cases it was held that the membership of the concerned workmen must be a subsisting one at the time of the misconduct rather when disciplinary proceedings are taken and should not spring subsequently. There is no reported case to the contrary. In the instant case, since Jaboorudin became member of the Union only after the alleged act of misconduct had happened and he had been charge-sheeted and the Union also started its operation subsequent to that date there could be no valid espousal by this Union and the dispute remains an individual dispute. Without, therefore, entering into other aspects of the matter for which issues had been framed, it has to be held that the dispute is not an industrial dispute and this Tribunal has no jurisdiction.

(Sd.) G. C. AGARWALA,
Presiding Officer.
12-9-1967.

[No. 24/6/65-LRI.]

S.O. 3648.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the matter of an application under Section 33-A, of the said Act filed by Shri Rambilas Singh, B. No. 3819, an Underground Checker of Messrs Indian Copper Corporation Ltd., which was received by the Central Government on the 20th September, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—CUM—LABOUR COURT, JABALPUR

Camp at Ghatsila

Dated August 29, 1967

PRESENT:

Sri G. C. Agarwala—Presiding Officer.

COMPLAINT No. 2 of 1967 (DHANBAD TRIBUNAL)

COMPLAINT NO. CGIT/LC(A)(24)/67 (JABALPUR TRIBUNAL)

U/s 33-A I.D. ACT

PARTIES:

Ram Bilas Singh, B. No. 3819, Underground Checker, c/o Mossaboni Mines Labour Union, P.O. Mossaboni Mines (Singhbhum), Bihar—Complainant.

Versus

M/s. Indian Copper Corporation Ltd., P.O. Mosaboni Mines, District Singhbhum, Bihar—*Opp. Party.*

APPEARANCES:

For the Complainant—Shri H. B. Singh, General Secretary, Mosaboni Mines Labour Union, P.O. Mosaboni Mines (Singhbhum).

For the Opposite Party—Sri K. C. Goel, Legal Adviser of the Company.

INDUSTRY: Copper Mine.

DISTRICT: Singhbhum (Bihar).

ORDER/AWARD

This is an application of one Sri Rambilas Singh as Underground Checker employed with the Opposite Party, M/s. Indian Copper Corporation Ltd., complaining that during the pendency of two references of Industrial Disputes, Nos. 4 of 1965 and 79/65, he has been issued a warning chit and therefore punished which was contravention of Section 33 I.P. Act. This application was filed before the Central Government Industrial Tribunal, Dhanbad, as the references in question were pending before the said Tribunal. These references alongwith all cases arising therefrom either under Section 33-A or 33 were transferred to this Tribunal by Notification No. 8/25/67-LRII, dated 25th April, 1967. When the case came up for preliminary hearing on 22nd June, 1967 it was discovered that the complainant's punishment were merely a warning chit and the complainant's representative was required to satisfy me how this is covered by Section 33 either under Sub-section (1) or under Sub-section (2). The management wanted the determination of the question whether the complainant is a concerned workman or not in the above stated references. Since this question had been debated in a large number of cases, after hearing arguments at length, a general order covering all cases was passed on 25th July, 1967 and is Annexure A to this Order/Award. Before further hearing commenced in the case, the parties, however, compromised and filed a compromise petition, Annexure "B", covering settlement regarding this case and many other cases. Since the management has agreed to withdraw the warning chit the application has not been pressed and becomes infructuous. It is, therefore, rejected. Let copy of the order be sent to the appropriate Government as required under Section 33-A, I.D. Act.

(Sd.) G. C. AGARWALA,
Presiding Officer.
29-8-1967.

PART I

Order passed in all cases of Indian Copper Corporation Ltd. P.O. Mosaboni Mines

ORDER

After the pronouncement of Hon'ble Supreme Court in Tata Iron and Steel Company Vs. Singh (D.R.) reported in 1965-II-LLJ p 122 and decided on March 19, 1965, the employers in most cases, whether opposing an application under Section 33-A of I.D. Act or themselves applying for approval under Section 33(2)(b) I.D. Act have solicited decision of the Tribunal on the preliminary question whether the workman applying under Section 33-A or punished for whom approval is sought, was or was not "concerned workman" in the pending reference of Industrial Dispute. The decision of the Hon'ble Supreme Court in the above referred case has been rather wrongly interpreted. That was a case decided when the position of law was not settled and somewhat inconsistent views had been taken by different High Courts on the point. The leading case of the Hon'ble Supreme Court on the subject namely, New Indian Motors (P) Ltd. Vs. Morris (K.T.) (1960/I-LLJ p 551) had probably not seen the light of the day or had not gained sufficient publicity when the Central Government Industrial Tribunal, Dhanbad overruled the contention of the employers that the Tribunal should determine the preliminary question whether the employee, D. R. Singh, was or was not concerned with four other references pending before the Tribunal. The view taken by the Tribunal was that such a contention could not be raised by the employers and if he thought that Section 33 did not apply he should withdraw the application and take the consequences. On that view, the Tribunal refused to entertain the plea and proceeded to deal with the merits of the application. The Hon'ble Supreme Court disapproved of this logic of the Tribunal on the ground that when inconsistent views had been taken by different High Courts such a stand taken by the Tribunal was illogical and unsatisfactory. The Hon'ble

Supreme Court clearly re-affirmed the broader construction of the words "workman concerned in such dispute" as decided in two earlier decisions namely, *New India Motors Private Limited Vs. Morris* (K.T.) (1960-I-LLJ p. 551) and *Digwadih Colliery Vs. Ramji Singh* (1964-II-LLJ p. 143). Now that a broader construction has been unequivocally enunciated and reaffirmed by the Hon'ble Supreme Court, there is no justification left for employers now to solicit the advice from Tribunal while making applications under Section 33(2)(b). It is of course open to them to oppose an application under Section 33-A of a workman on that ground that he was not a concerned workman in the reference under Section 10 I.D. Act. But to ask the Tribunal to determine this point when the position of law is clearly stated and well settled, would really tantamount to rendering an advice on a question which is rather a mixed question of law and fact. The circumstances of *Tata Iron and Steel Co.* case on the authority of which the employers seek the direction of the Tribunal no more exist now and they were different when the said case was decided and observations were made by the Hon'ble Supreme Court.

Since, however, the question has been debated, it is necessary to analyse and to state the law as propounded by the Hon'ble Supreme Court. For the first time, the question came to be considered by the Hon'ble Court in *New India Motors* case (supra) where their Lordships examined the construction of the words "workman concerned in such dispute" from different stand points. The importance of the definition of industrial dispute as prescribed in Section 2(k) was first examined and emphasised. It was then pointed out under Section 18(3) of the Act, an award binds not only parties to the dispute but all employees in the establishment. The object of enacting Section 33 was also referred in this connection. Lastly, even as a matter of construction pure and simple their Lordships found no justification for assuming that the workman concerned in such dispute must be workmen directly or indirectly concerned in the said dispute. The observation on the following passage which may be called a dictum on the point is pertinent:—

"In dealing with the question as to which workmen can be said to be concerned in an Industrial Dispute we have to bear in mind the essential condition for the raising of an Industrial Dispute itself, and if an Industrial Dispute can be raised only by a group of workmen acting on their own or through their Union, then it would be difficult to resist the conclusion that all those who sponsored the dispute are concerned in it. As we have already pointed out, this construction is harmonious with the definition prescribed by Section 2(s) and with the provisions contained in Section 19 of the Act. Therefore, we are not prepared to hold that the expression "workmen concerned in such dispute" can be limited only to such of the workmen who are directly concerned with the dispute in question. In our opinion, that expression includes all workmen on whose behalf of the dispute has been raised as well as those who would be bound by the award which may be made in the said dispute."

In the last paragraph their Lordships approved of the construction placed by the Labour Appellate Tribunal in *Eastern Plywood Manufacturing Company Ltd. Vs. Eastern Plywood Manufacturing Workers' Union* (1962-I-LLJ 628). A few rulings of other High Courts were also referred, out of which the case of *Andhra Scientific Company Ltd., Vs. Seshagiri Rao* (A) (by *Andhra Scientific Company Employees Union* (1959-II-LLJ 717) appears to be a misprint as this case does not at all deal with the question. Actually another case *Sri Rama Sugars and Industries V. Industrial Tribunal* and two others reported at page 712 of the same volume and immediately proceeding the *Andhra Scientific Company Ltd.* case in the same volume deals with this question and the *Andhra High Court* at page 716 preferred the broader interpretation following the *Newton Studios Ltd. Vs. Ethirajulu* (T.R.) and others (1958-I-LLJ p. 63) which also discussed this question and adopted the broader construction. In doing so guidance was taken from observations of the Hon'ble Supreme Court in *Automobile Product of India Vs. Rukmajibala* (1955-I-LLJ p. 346) regarding the object for which Section 33 of the I.D. Act was enacted. The narrow view adopted by the *Bombay High Court* in *New Jahangir Vakil Mills Ltd., Sharavagar V. N. L. Vyas and others* (1958-II-LLJ 573) was expressly rejected by the Hon'ble Supreme Court both in *New India Motors* case as also in *Tata Iron and Steel Co.* case. It would be interesting to state that the *Bombay High Court* also considered the effect of Section 18 of the I.D. Act, but held that the award or settlement would not bind the whole body of the workmen who sponsored the dispute but only such of the workmen who are affected and are working in the same department. The three concerned workmen in that case belonged to ringframe Department while the

references concerned certain other workmen of the bleaching department. This distinction drawn by the Bombay High Court apparently was not approved by the Hon'ble Supreme Court while rejecting the narrower view. It follows, therefore, that the Hon'ble Supreme Court has laid down the law that all workmen who will be bound by the reference under Section 10 of I.D. Act would be the person concerned in the dispute. The other two cases of the Hon'ble Supreme Court which are usually referred for a different interpretation are Upper Ganges Valley Electric Supply Co. Ltd. Moradabad Vs. Srivastava (G.S.) reported in 1963 (1) LLJ p. 237 and Digwadih Colliery Vs. Ramji Singh (1964-II-LLJ p 143). In the former case while considering the question of pendency of certain appeals before the L.A.T. their Lordships found that only one appeal was pending which related to the grant of annual increment to a workman M. K. Varshney. It was casually observed that the same was an individual dispute in respect of one employee and so the present respondent could not be said to be concerned with that dispute. Full facts about that appeal were not available to the Hon'ble Court and it was not known whether the dispute regarding Varshney had or had not been espoused by any Union. It was also not known whether the employee concerned Srivastava had any connection of nexus through any Union so as to be concerned in the reference regarding Varshney. The observation of the Hon'ble Court, therefore, is not to be interpreted literally for any guidance. The Diswadih case is only an authority on the point that a workman when he files an application under Section 33-A has to establish that he was concerned in the dispute under reference. The complainant in that case had made no averment about the nature of the said dispute and had not indicated how he was concerned in the dispute under reference. On the other hand, the company had shown that the reference was on behalf of the charprasis and watchmen of the collieries for overtime wages and the complainant was a clerk in grade III. With this manifest distinction it was for the complainant to have established how he was concerned in that reference. He could have proved it by showing that the dispute under reference regarding Chaprasis and watchmen was sponsored by the Union of which he was a member and was thus concerned with the Industrial Dispute or that he was one of the workmen who had raised the Industrial Dispute. In the absence of any such information, the Hon'ble Supreme Court held that complainant under Section 33-A cannot succeed on the presumption that the reference of the pending Industrial Dispute must necessarily have had a nexus with the complainant. It may be noticed that in the Tata Iron and Steel Co. case the Hon'ble Supreme Court observed at p. 123 "In this latter case, the Court considered the conflicting judicial decisions rendered by the different High Courts and has approved of the broader construction of the words "workmen concerned to such dispute.". The word "letter" is presumably a slip for "former" as the Hon'ble Court had considered the conflicting judicial decisions in New India Motors case and had approved of the broader construction. The broader construction, therefore, remains reaffirmed in Tata Iron and Steel Company case.

After the Tata Iron and Steel Co. case the Patna High Court had occasion to consider the rulings of the Hon'ble Supreme Court as also one other ruling of that very Court in New India Sugar Mills Ltd., case which is not yet reported in Labour Law Journal but has been so done by Mines and Factories Journal in the issue of April, 1967 at page 494. The Patna High Court adopted the broader construction and found a common clue as nexus between the reference and the workmen against whom approval was sought under Section 33(2)(b) inasmuch as there was an allegation of victimisation in both cases and the sponsoring Union was the same. Such an approach was not indicated by the Hon'ble Supreme Court and in fact may be impossible for an employer to anticipate what would be the averment of the workman against whom an approval is sought or in fact whether he would at all be represented by the same Union or any Union. To my mind, answer to the question while determining whether a workman is concerned or not in the Industrial Dispute under reference rests on the principal consideration whether the said workman was or was not a party directly or indirectly through the Union is sponsoring the Industrial Dispute under reference. In an application under Section 33-A, he has to establish the fact himself and in an application for approval under Section 33(2)(b) it should already be known to the employer in the ordinary course whether the workman against whom approval is sought was or was not concerned in sponsoring the Industrial Dispute under reference. If he was, he is a concerned workman, whatever may have been the nature of the Industrial Dispute under reference, as an award in that reference would bind him also along with the other workmen. But if he was not in any way connected in the sponsoring of the dispute either through the Union or collectively with other workmen who espoused the Industrial Dispute, he would not be a concerned workman. Such a position can easily be envisaged when there are more than one Unions. The sponsoring Union of an Industrial Dispute under reference may be different

Union than the workman who applies under Section 33-A or against whom an approval is sought under Section 33(2)(b). In the latter case, he may not be a member of any Union and or if at all may be a member of a different Union. In such a case, he cannot be called to be workman concerned in the dispute. In this connection, it is pertinent to notice the amendment now made as Section 2-A which has been added by Act XV of 1965. Under this newly added section, dismissal discharge, or retrenchment or termination of service of an individual workman shall now be deemed to be an Industrial Dispute not with standing that no other workman or any Union of workmen is a party to the dispute. With the amended law a workman in his individual capacity can now raise a dispute about the termination of his service without the recourse of having help from other workmen or the Union. If such a case results in a reference, obviously in such a reference another workman against whom an approval is sought by the employer under Section 33(2)(b) would not be a concerned workman in the reference as the imposition of the term "Industrial Dispute" in Section 2-A is merely fictional and national. It is, therefore, easy to demarcate class of cases in which a particular workman would be a concerned workman or would not be so during the pending of a reference under Section 10. This is what I conceive to be the state of law as enunciated by the Hon'ble Supreme Court.

(Sd.) G. C. AGARWALA,
Presiding Officer.
25-7-1967.

PART II

(True Copy)

Memorandum of Settlement between the Management of Indian Copper Corporation Ltd., and their workmen of Mosaboni Mines represented by the Mosaboni Mines Labour Union, in respect of the Industrial Disputes pending adjudication before the Industrial Tribunal-cum-Labour Court (Central) at Jabalpur.

Names of Parties

Representing the Management

1. Mr. T. C. W. H. Blay, Ag. M.S.
2. Mr. K. Ramamoorthi, L.O.

Representing by Workmen

1. Mr. H. B. Singh Arsl,
General Secretary, M.M.L.U.
2. Mr. S. K. Das, Asstt. Secretary,
M.M.L.U.
3. Mr. S. N. Aditya, Asstt. Secy,
M.M.L.U.

Short Recital of the case:

Whereas in its letters No. MMLU/103/MS/64, dated 3rd October, 1964 and No. MMLU/G-34(CO)/64.3, dated 8th November, 1964 the Mosaboni Mines Labour Union raised Industrial Disputes for reinstatement of Sri Bhupati Sen (Badge No. 5998) and for supply of free electricity and fuel to Sri U. C. Patnaik (Badge No. 1706) respectively.

And whereas these disputes were referred by the Government of India in the Ministry of Labour, Employment and Rehabilitation to the Central Government Industrial Tribunal for adjudication.

And whereas during the pendency of the aforesaid references before the Industrial Tribunal, various applications u/s 33(2)(b) and u/s 33(3)(b) of the Industrial Disputes Act have been made by the Management and complaints u/s 33A of the Industrial Disputes Act have been made by certain workmen.

And whereas the aforesaid two References are pending as No. 72 of 1967 and No. 82 of 1967 before the Industrial Tribunal-cum-Labour Court (Central) at Jabalpur and the cases under Sections 33 and 33-A I.D. Act are also pending before the same Tribunal and numbered as detailed in the Schedules 'A' and 'B' annexed hereto.

And whereas the Parties hereto, with a view to create better understanding, promote healthy Industrial Relations and maintain Industrial peace, after repeated discussions have arrived at an amicable settlement on this Friday, the 4th of August 1967 on the following terms and conditions :-

Terms of settlement:

1. In the main Reference case No. 72 of 1967, it is agreed that Sri Bhupati Sen shall be reinstated as a special case and is allowed one month's time to resume

duty. The intervening absence from the date of Sri Bhupati Sen's dismissal till the date of his resuming duty under this settlement shall be treated as special leave with loss of all benefits. Sri Bhupati Sen's wages shall be the same as he was getting at the time of his dismissal.

2. In respect of the cases u/s 33-A I.D. Act, it is agreed as follows:—

- (i) Case No. 15 of 1967—The complaint of Sri Abdul Haque Knan (B. No. 461/E) shall not be pressed before the Tribunal.
- (ii) Case No. 16 of 1967—Sri Ganguli Singh (B. No. 5055/WW) shall be allowed one day off for 7th June, 1965 but this shall not form a precedent.
- (iii) Case No. 17 of 1967—The complaint of Sri Jitrai Mahali (B. No. 5221) shall not be pressed before the Tribunal.
- (iv) Case No. 18 of 1967—Sri J. N. Bhattacharjee (B. No. 1400/E) shall be given a special Increment of 42 Paise with effect from 1st August, 1967.
- (v) Case No. 19 of 1967—Sri S. B. Barua (B. No. 5724) shall be paid Acting Allowance for 18 days, i.e. from 22nd February, 1965 to 25th February, 1965 and from 1st March, 1965 to 14th March, 1965.
- (vi) Case No. 20 of 1967—The complaint of Sri M. M. Pati (B. No. 6236) shall not be pressed before the Tribunal.
- (vii) Case No. 21 of 1967—Sri Periappa Naidu (B. No. 7336) shall be allowed leave for the year 1965.
- (viii) Case No. 23 of 1967—Sri R. Ramswamy (B. No. 3429) shall be allowed leave for the year 1965.
- (ix) Case No. 24 of 1967—The Warning Chit No. 24003 issued to Sri Ram Bilas Singh (B. No. 3819) for absence without leave for 2 days, i.e. 18th and 19th of November, 1966, shall be cancelled.

3. In respect of the cases u/s 33(2)(b) and 33(3)(b) of the I.D. Act it is agreed as follows:—

- (i) Case No. 18 of 1967—Management's application for approval of dismissal of Sri Mosu (B. No. 1228) shall not be opposed before the Tribunal. However, the dismissal shall not be considered as a bar against his seeking fresh employment.
- (ii) Case No. 20 of 1967—Sri Muchi Ram (B. No. 7582) shall be re-employed in his former designation (sweeper) by 14th September, 1967 in the usual way.
- (iii) Case No. 27 of 1967—Sri Dhananjoy Pator (B. No. 5619) shall be re-employed in his former designation (Mucker) by 14th October, 1967 in the usual way.
- (iv) Case No. 31 of 1967 } Sri Muneswar (B. No. 6495) shall be re-
Case No. 35 of 1967 } employed in his former designation (Trammer)
Case No. 47 of 1967 } by 14th October, 1967 in the usual way.
- (v) Case No. 39 of 1967—The Management's application for approval of dismissal of Sri Sk. Munu (B. No. 5974) shall not be opposed before the Tribunal. However, the dismissal shall not be considered as a bar against his seeking fresh employment, and he may apply to the Mines Superintendent for consideration of his re-employment.
- (vi) Case No. 40 of 1967—Sri Bhuvan Narayan Deo (B. No. 7981) shall be re-employed in his former designation (Timber Mazdoor) by 14th September, 1967 in the usual way.
- (vii) Case No. 45 of 1967—The Management's application for approval of the action taken against Sri Shib Shankar Nair (B. No. 7989) shall not be opposed before the Tribunal.
- (viii) Case No. 46 of 1967—Punishment of 4 days suspension issued to Sri Ram Bilash Singh (B. No. 3819) for absence without leave from 21st March, 1966 to 31st March, 1966 shall be set aside but the final warning issued for the same shall stand.
- (ix) Case No. 49 of 1967—Sri Abdul Karim (B. No. 4664) shall be re-employed in his former designation (Mucker) by 14th October, 1967 in the usual way.
- (x) Case No. 54 of 1967—Sri Naiki Hoe (B. No. 7722) shall be re-employed in his former designation (Timber Mazdoor) by 14th October, 1967 in the usual way.

- (xi) Case No. 57 of 1967—Sri Parmanand Ghasi (B. No. 1811) shall be re-employed in his former designation (Sweeper) by 14th September, 1967 in the usual way.
- (xii) Case No. 72 of 1967—Sri Lal Mohan Singh (B. No. 2237) shall be re-employed in his former designation (Blaster Helper) by 14th October, 1967 in the usual way.
- (xiii) Case No. 76 of 1967—Punishment of 4 days suspension issued to Sri Sheo Prasad Singh (B. No. 1768) for absence without leave in the year 1966 shall be set aside but the final warning issued for the same shall stand.
- (xiv) Case No. 78 of 1967—Sri Phul Chand Pator (B. No. 770) shall be re-employed in his former designation (M Mazdoor) by 14th October, 1967 in the usual way.
- (xv) Case No. 82 of 1967—Sri Basudeo Pator (B. No. 8023) shall be re-employed in his former designation (U/G Fitter Helper) by 14th September, 1967 in the usual way.
- (xvi) Case No. 84 of 1967—The Management's application for the approval of the dismissal of Sri Amulya Rana (B. No. 4916) shall not be opposed before the Tribunal. The dismissal however, shall not be a bar against his re-employment and Sri Rana may apply to the Mines Superintendent for consideration of his re-employment.

4. The parties could not agree on any settlement in respect of the main Reference No. 82 of 1967, case u/s 33-A I.D. Act No. 22 of 1967 and the cases u/s 33 I.D. Act, No. 24 of 1967, No. 59 of 1967, No. 60 of 1967, No. 61 of 1967, No. 62 of 1967, No. 68 of 1967 and No. 69 of 1967 which remain unsettled to be decided by the Tribunal.

5. All other applications u/s 33 I.D. Act pending before the Tribunal and not settled hereto before shall not be opposed or contested before the Tribunal and shall be decided in favour of the Management.

6. Both the parties shall jointly apply to the Industrial Tribunal-cum-Labour Court (C), Jabalpur, to take this settlement on record and dispose of the cases settled herein in terms of his compromise.

1. Representing the Management:

(Sd.) T. C. W. H. BLAY.

(Sd.) K. RAMAMOORTHY.

2. Representing the Union:

(Sd.) H. B. SINGH ARSU.

(Sd.) S. N. ADITYA.

(Sd.) S. K. DAS.

Dated 4th August, 1967.

Mosaboni Mines.

Witnesses:

1. (Sd.) M. N. SAHAI.

2. (Sd.) MOBARAK AHMED.

List of Cases under Sec. 33(2)(b)

SCHEDULE 'A'

Sl. No.	Case No.	Date of application	Name of the workmen
1	CGIT/LC (18)/67	25/1/65	Mosu, No. 1228, Car Driver.
2	" (19)/67	1/3/65	Lasso Majhi, No. 2429, R/Checker
3	" (20)/67	15/3/65	Mushiram, No. 7582, M/Sweeper.
4	" (21)/67	24/4/65	Suren Purty, No. 8070, S/Checker.
5	" (22)/67	29/4/65	Rajendra Singh, No. 5799, Sepoy
6	" (23)/67	30/4/65	M.K.K. Nair, No. 7856, R/Checker.
7	" (24)/67	27/4/65	Amia Naik, No. 1367, Cr. Mazdur.
8	" (25)/67	27/5/65	Guha Bah. Chetty, No. 8131, M/R.
9	" (26)/67	10/6/65	Bideshi Breded, No. 1769, M/Sweeper.

Sl. No.	Case No.	Date of application	Name of the workmen
10	CGIT/LC (27)/67	12/6/65	Dhanjoy Pator, No. 5619, Mucker.
11	" (28)/67	6/7/65	Bhatla Majhi, No. 910, M/Mazdur.
12	" (29)/67	6/7/65	Ghasiram Naik, No. 7272, Trammer.
13	" (30)/67	28/8/65	Bidooram Sardar, No. 4507
14	" (31)/67	4/9/65	Muneswar, No. 6495, Trammer.
15	" (32)/67	5/10/65	Kalu, No. 7513, M/Sweeper.
16	" (33)/67	15/10/65	Tila, No. 5772, F/Sweeper.
17	" (34)/67	15/10/65	Man Bah. Gurung, No. 5770, Sepoy.
18	" (35)/67	16/10/65	Muneswar, No. 6595, Trammer.
19	" (36)/67	23/10/65	Bom Bah. Tamang, No. 7708, Mucker.
20	" (37)/67	30/10/65	Haripada Karmakar, No. 5178.
21	" (38)/67	13/12/65	Md. Abbas, No. 2382, B/Helper.
22	" (39)/67	30/12/65	Sk. Munu, No. 5974, Mucker.
23	" (40)/67	8/1/66	Bhuban Narayan Deo, No. 7981.
24	" (41)/67	18/1/66	Pratima, No. 5716, F/Sweeper.
25	" (42)/67	31/1/66	Bhuban Bah. Thappa, No. 5719, Sepoy.
26	" (43)/67	8/3/66	Bibhisan, No. 7529, M/Sweeper.
27	" (44)/67	29/3/66	Baldeb, No. 5101, M/Sweeper.
28	" (45)/67	6/4/66	Shib Shankar Nair, No. 7989, Mucker.
29	" (46)/67	7/4/66	Ram Bilas Singh, No. 3819
30	" (47)/67	30/5/66	Muneswar, No. 6495, Trammer.
31	" (48)/67	30/5/66	Bhola Karmakar, No. 2015, Mucker.
32	" (49)/67	6/6/66	Abdul Karim, No. 4664, Mucker.
33	" (50)/67	11/6/66	Jogendra Prasad, No. 734, M/Mazdur.
34	" (51)/67	15/6/66	Balbair Singh, No. 7810, Mucker.
35	" (52)/67	23/6/66	Magan Pator, No. 2482, H/Mazdur.
36	" (53)/67	9/9/66	Md. Burhan, No. 4644, Trammer.
37	" (54)/67	25/6/66	Naikl Hoe, No. 7722, T/Mazdur.
38	" (55)/67	7/7/66	Haripada Pator, No. 3204, Mucker.
39	" (56)/67	26/7/66	Prem Bah. Tamang, No. 4620, Mucker.
40	" (57)/67	30/8/66	Parmanand Ghasi, No. 1811, M/Sweeper.
41	" (59)/67	21/9/66	Sudhan Sharma, No. 359, Blacksmith.
42	" (60)/67	21/9/66	Abdul Manan, No. 867, F.G. Mazdur.
43	" (61)/67	21/9/66	Nasiruddin Khan, No. 872, F.G. Mazdur.
44	" (62)/67	20/9/66	Dhananjoy Singh, No. 5062, Sepoy.
45	" (63)/67	24/9/66	S. Moni, No. 7458, Mucker.
46	" (64)/67	27/9/66	Bishwanath Pator, No. 3790, H/Mazdur.
47	" (65)/67	5/10/66	Dhiren Pator, No. 5624, Trammer.
48	" (66)/67	17/10/66	Parsuram Singh, No. 4786, T/Mazdur.
49	" (67)/67	18/10/66	Kharga Bah. Lama, No. 3447, M/R.
50	" (68)/67	12/11/66	Sadhoo Singh, No. 133, Engg. Deptt.
51	" (69)/67	12/11/66	Kamal Singh, No. 503, Rigger.
52	" (70)/67	19/11/66	Khetra Mohan Pator, No. 2217, Mucker.
53	" (71)/67	26/11/66	Ashit Kumar Mahato, No. 3768, M/Mazdur.
54	" (72)/67	3/12/66	Lal Mohan Singh, No. 2237, Blaster Hr.
55	" (73)/67	29/12/66	Dulu, No. 1868, M/Sweeper.
56	" (74)/67	29/12/66	Garjama Lama, No. 3522, Mucker.
57	" (75)/67	29/12/66	R. Chattu Kuttu, No. 3082, Mucker.
58	" (76)/67	31/12/66	Sheo Prasad Singh, No. 1768, S/Inspector.
59	" (77)/67	30/12/66	Mangla Pator, No. 4853, T/Mazdur.
60	" (78)/67	9/1/67	Fulchand Pator, No. 770, M/Mazdur.
61	" (79)/67	11/1/67	Padam Majhi, No. 5932, P/Mazdur.
62	" (80)/67	11/1/67	Abinash Pator, No. 3568, Mucker.
63	" (81)/67	11/1/67	Singrai Hoe, No. 5432, Round Checker.
64	" (82)/67	4/2/67	Basudeo Pator, No. 8023, U/G.F/Hr.
65	" (84)/67	13/2/67	Amulya Rana, No. 4916, T/Mazdur.
66	" (85)/67	13/2/67	Min Bah. Neor, No. 7493, M/R.
67	" (86)/67	16/2/67	Bimbadhar Dhir, No. 5852, T/Mazdur.
68	" (87)/67	20/2/67	N. K. Colombo, No. 3111, Trammer.
69	" (88)/67	20/2/67	Md. Burhan, No. 4644, Trammer.
70	" (89)/67	21/2/67	Gope Bah. Chetty, No. 2096, Mucker.
71	" (90)/67	22/2/67	Lal Bah. Chetty, No. 2037, Mucker.
72	" (90)/67	20/2/67	Raghunath, No. 1874, M/Sweeper.
73	" (91)/67	21/2/67	Rajendra Kaibarthia, No. 3022, Muckmr.
74	" (92)/67	20/2/67	Chure Pun, No. 5072, Sepoy.
75	" (93)/67	20/2/67	Dagam Singh Ghale, No. 7695, Sepoy.

Sl. No.	Case No.	Date of application	Name of the workmen
76	CGIT/LC (94)/67	21/9/66	Sripati Patar, No. 1697, Hammerman.
77	" (95)/67	22/2/67	Nara Hoe, No. 5673, P.F. Helper.
78	" (96)/67	22/2/67	Nuruddin Mian, No. 2920, Blaster.
79	" (97)/67	22/2/67	Chet Bah, Chetty, No. 3796, Mucker.
80	" (98)/67	22/2/67	Sanghi Bodra, No. 6332, Tramer.
81	" (99)/67	20/2/67	Chamba Singh Lama, No. 8066, Balaster.
82	" (100)/67	23/2/67	Darud Khan, No. 6005, Mucker.
83	" (101)/67	23/2/67	Sakal Bah, Darjee, No. 6070, Mucker.
84	" (102)/67	23/2/67	Bhuban Pator, No. 2431, Mucker.
85	" (103)/67	23/2/67	Keshab Majhi, No. 4183, Mucker.
86	" (104)/67	23/2/67	Ram Majhi, No. 4796, M/Sardar.
87	" (105)/67	23/2/67	Lal Bah, Chetty, No. 8438, Mucker.
88	" (106)/67	23/2/67	Bikram Murmoo, No. 7871, Mucker.
89	" (107)/67	23/2/67	Ram Chandra Giri, No. 5448, M/R.
90	" (108)/67	23/2/67	Lakhinder Majhi, No. 5879, Mucker.
91	" (109)/67	23/2/67	Puney Darjee, No. 4833, Trammer.
92	" (110)/67	28/2/67	Makar Bah, Lama, No. 4842, M/R.
93	" (111)/67	28/2/67	Lakhan Lal Neor, No. 7342, M/R.
94	" (112)/67	25/2/67	Lal Bah, Tamang, No. 3533, M/R.
95	" (113)/67	25/2/67	Bhakta Bah, Sonar, No. 4338, M/R.
96	" (114)/67	25/2/67	Krishna Bah, Srista, No. 4740, Mucker.
97	" (115)/67	25/2/67	Lal Bah, Tamang, No. 7935, Mucker.
98	" (116)/67	25/2/67	Sher Bah, Chetty, No. 3597, M/R.
99	" (117)/67	25/2/67	Padam Bah, Chetty, No. 4047, M/R.
100	" (118)/67	25/2/67	Padam Bah, Lama, No. 2944, M/R.
101	" (119)/67	27/2/67	Som Bah, Thappa, No. 2813, Mucker.
102	" (120)/67	27/2/67	Prem Bah, Neor, No. 3605, Mucker.
103	" (121)/67	27/2/67	Prem Bah, Chetty, No. 2609, Mucker.
104	" (122)/67	27/2/67	Kashilingam, No. 2026, Mucker.
105	" (123)/67	27/2/67	Prafulla Simli, No. 2859, Mucker.
106	" (124)/67	25/2/67	Salkhan Hansda, No. 8477, Mucker.
107	" (125)/67	28/2/67	Talak Bah, Chetty, No. 7862, Mucker.
108	" (126)/67	28/2/67	Dhanu Hansda, NO 2896 T/Maz.
109	" (127)/67	28/2/67	Kharga Bah, Thappa, No. 4844, Mucker.
110	" (128)/67	28/2/67	Ananda Sardar, No. 2948, T/Mazdur.
111	" (129)/67	28/2/67	Padam Bah, Lama, No. 7065, T/Mazdur.
112	" (130)/67	28/2/67	Nar Bah-Darjee, No. 4867, Trammer.
113	" (131)/67	28/2/67	Surbir Chetty, No. 5598 Trammer.
114	" (132)/67	28/2/67	Thiraj Upadhya, No. 4803, Trammer.
115	" (133)/67	28/2/67	Hari Giri, No. 2636, Mucker.
116	" (134)/67	28/2/67	Bil Bah, Chetty, No. 4474, Mucker.
117	" (135)/67	28/2/67	Chabilal Neor, No. 4373, Trammer.
118	" (136)/67	28/2/67	Dhir Singh, No. 5154, U/G. Sweeper.
119	" (137)/67	28/2/67	Kushnu Majhi, No. 5894, Mucker.
120	" (138)/67	28/2/67	Birkha Bah, Thappa, No. 4991, M/R.
121	" (139)/67	27/2/67	Ismailuddin, No. 2702, Mucker.
122	" (140)/67	27/2/67	Karna Bah, Mogor, No. 2012, Mucker.
123	" (141)/67	27/2/67	Aswini Kr. Adhikari, No. 2323, Mucker.
124	" (142)/67	27/2/67	Ratna Bah, Chetty, No. 2257, B/Hr.
125	" (143)/67	27/2/67	Thakram Darjee, No. 2951, J/Mazdur.
126	" (144)/67	28/2/67	Ram Bah, Chetty, No. 3009, Mucker.
127	" (145)/67	28/2/67	Dasmat Majhi, No. 2643, T/Mazdur.
128	" (146)/67	28/2/67	Netra Bah, Thappa, No. 8033, Mucker.
129	" (147)/67	28/2/67	Bhim Bah, Upadhya, No. 8064, Mucker.
130	" (148)/67	6/3/67	R. Rajee, No. 6230, Lorry Driver.
131	" (149)/67	6/3/67	C. Debdas, No. 3258, Shaft Mazdur.
132	" (150)/67	10/3/67	Sashi Bhushan Bhakat, No. 5205, H/Mazdur.
133	" (151)/67	6/3/67	C. Debdas, No. 3258, Shaft Mazdur.
134	" (152)/67	21/4/67	Girish, No. 1884, M/Sweeper.
135	" (153)/67	25/4/67	Tajuddin Mia, No. 5488, Trammer.
136	" (154)/67	25/4/67	Kashim Khan, No. 8056, Trammer.
137	" (181)/67	3/5/67	Hari Ram Beldar, No. 8498, Mucker.
138	" (182)/67	3/5/67	Ladu Hoe, No. 3646, Mucker.
139	" (183)/67	3/5/67	Chandrai Majhi, No. 7951, Mucker.
140	" (184)/67	3/5/67	Srinath Majhi, No. 2669, T/Mazdur.
141	" (185)/67	3/5/67	Paneha Keshram, No. 4715, Mucker.

Sl. No.	Case No.	Date of application	Name of the workmen
142	CGIT/LC (186)/67	3/5/67	Jitu Mahali, No. 5812, Mucker.
143	" (187)/67	3/5/67	Kandev Hoc, No. 4619, Mucker.
144	" (188)/67	3/5/67	Ratan Sabar, No. 7977, Trammer.
145	" (189)/67	3/5/67	Dukhu Mukhi, No. 8640, M/Sweeper.
146	" (190)/67	3/5/67	Ashram, No. 5170, M/Sweeper.
147	" (191)/67	3/5/67	Suren Pator, No. 7719, M/Mazdur.
148	" (192)/67	6/5/67	Bhagabatia, No. 5116, M/Sweeper.
149	" (193)/67	5/5/67	Rentra Majhi, No. 7246, Trammer.
150	" (194)/67	5/5/67	Bhali, No. 7524, M/Sweeper.
151	" (195)/67	6/5/67	Narendra Behera, No. 7619, M/Sweeper.
152	" (196)/67	5/5/67	Haradhan Barik, No. 7067, Trammer.
153	" (197)/67	5/5/67	Padam Ch. Naik, No. 1814, M/Sweeper.
154	" (198)/67	5/5/67	Sidia Bhoipai, No. 2975, Trammer.
155	" (199)/67	5/5/67	Rattan Sagar, No. 8642, M/Sweeper.
156	" (200)/67	5/5/67	Kartik, No. 8660, M/Sweeper.
157	" (202)/67	24/5/67	Som Bah. Lama, No. 3291, Mucker.
158	" (203)/67	24/5/67	Makardhaj Chettry, No. 5820, H/Mazdur.
159	" (204)/67	24/5/67	Ismailuddin, No. 4655, Trammer.
160	" (205)/67	24/5/67	Tek Bah. Gurung, No. 4753, Mucker.
161	" (206)/67	24/5/67	Kharga Bah. Chettry, No. 7870, Mucker.
162	" (207)/67	24/5/67	Kripa Singh Lama, No. 8021, Mucker.
163	" (208)/67	24/5/67	Rana Bah. Chettry, No. 4559, Trammer.
164	" (209)/67	24/5/67	Padam Bah. Thakuri, No. 4780, Mucker.
165	" (210)/67	24/5/67	Lal Bah. Chettry, No. 4724, Mucker.
166	" (211)/67	24/5/67	Him Bah. Chettry, No. 6113, Mucker.
167	" (212)/67	3/5/67	Sukra Mahakur, No. 819, M/Mazdur.

List of cases under Sec. 33(A)

SCHEDULE 'B'

Sl. No.	Case Number	Date of application	Name of the workmen
1	CGIT/LC(15)/67		Abdul Haque Khan, No. 461, Fitter.
2	" (16)/67	13/10/65	Ganguli Singh, No. 5055, Sepoy.
3	" (17)/67	19/11/65	Jitrai Mahali, No. 5221, P/1 st Helper.
4	" (18)/67	15/11/65	J.N. Bhattacharjee, No. 1400, S/Chedker.
5	" (19)/67	4/1/66	S. B. Barua, No. 5724, Clerk.
6	" (20)/67	10/2/66	M. M. Pati, No. 6236, Asstt. Sampler.
7	" (21)/67	10/2/66	Periappa Naidu, No. 7336, H/Mazdur.
8	" (22)/67	22/2/66	S. N. Aditya, No. 1908, Asstt. Tracer.
9	" (23)/67	6/12/66	R. Ramaswamy, No. 3429, Electrician.
10	" (24)/67	22/2/66	Ram Bilas Singh, No. 3819, U/G. Checker.

Sd/- Illegible.

Sd/- Illegible.

Sd/- Illegible.

General Secretary,
Mosaboni Mines Labour Union.

[No. 24/31/67-LRI.]

S.O. 3649.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the matter of an application under section 33-A of the said Act filed by Sri Abdul Haque Khan, B. No. 461/E, Fitter Grade I of M/s. Indian Copper Corporation, which was received by the Central Government on the 20th September, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JABALPUR

CAMP AT GHATSILA

Dated August 29, 1967

PRESENT:

Sri G. C. Agarwala, Presiding Officer.

COMPLAINT No. 15/65 (DHANBAD TRIBUNAL)

COMPLAINT No. CGIT/LC(A) (15) /67 (JABALPUR TRIBUNAL)

(Under Section 33-A I.D. Act.)

(In the matter of two references Nos. 4/65 & 79/65 of Dhanbad Tribunal and 72/67 and 82/67 of this Tribunal).

PARTIES:

Abdul Haque Khan, B. No. 461/E,
Fitter Grade I,
C/o Mosaboni Mines Labour Union,
P.O. Mosaboni Mines,
Dist. Singhbhum, Bihar.—*Complainant.*

Vs.

M/s. Indian Copper Corporation Ltd.,
P.O. Mosaboni Mines,
Dist. Singhbhum, Bihar.—*Opp. Party.*

APPEARANCES:

For the Complainant—Sri H. B. Singh Arsi, General Secretary, Mosaboni Mines Labour Union, P.O. Mosaboni (Singhbhum).

For the Opp. Party—Sri K. C. Goel, Legal Adviser of the company.

INDUSTRY: Copper Mine.

DISTRICT: Singhbhum (Bihar).

ORDER/AWARD

Sri Abdul Haque Khan, Fitter Grade I, employed with the opposite party, M/s. Indian Copper Corporation Ltd., filed an application under Sec. 33-A.I.D. Act before the Central Government Industrial Tribunal, Dhanbad complaining that the opposite party committed a breach of Sec. 33 I.D. Act inasmuch as they changed the service conditions of the complainant and denied payment of the daily allowance. It may be mentioned that there were two references of industrial disputes pending before the said Tribunal which were Nos. 4/65 & 79/65 of the said Tribunal. These references alongwith all cases arising there from either under Sec. 33-A or 33(2) (b) I.D. Act were transferred to this Tribunal by Notification No. 8/25/67-LRII dated 25th April 1967.

When the hearing was commenced before this Tribunal, on the reply filed by the opposite party, certain issues were framed at preliminary hearing on 23rd June 1967. One of the questions raised by the opposite party was the determination of the question whether the complainant was a concerned workman in the said references. After hearing arguments, this question was determined in a general way as it affected other cases also and is part I of this Order/Award. It is unnecessary to reproduce the issues as the parties have compromised the dispute and have filed a compromise petition covering this case along with a number of other cases. This is part II of this Order/Award. Under the terms of this settlement the complainant has not pressed the dispute. There is, therefore, no merit in the complaint and the application is rejected. Since the order amounts to an award let copies be sent to appropriate Government.

(Sd.) G. C. AGARWALA,
Presiding Officer.
29-8-67.

PART I

*Order passed in all case of Indian Copper Corporation Ltd.,
P.O. Mosaboni Mines*

ORDER

After the pronouncement of Hon'ble Supreme Court in *Tata Iron & Steel Company Vs. Singh* (D.R.) reported in 1965-II-LLJ p. 122 and decided on March 19, 1965, the employers in most cases, whether opposing an application under Section 33-A of I.D. Act or themselves applying for approval under Section 33(2) (b) I.D. Act have solicited decision of the Tribunal on the preliminary question whether the workman applying under Section 33-A or published for whom approval is sought, was or was not "concerned workman" in the pending reference of industrial dispute. The decision of the Hon'ble Supreme Court in the above referred case has been rather wrongly interpreted. That was a case decided when the position of law was not settled and somewhat inconsistent views had been taken by different High Courts on the point. The leading case of the Hon'ble Supreme Court on the subject namely, *New India Motors (P) Ltd. Vs. Morris* (K.T.) (1960-I-LLJ, p. 551) has probably not seen the light of the day or had not gained sufficient publicity when the Central Government Industrial Tribunal, Dhanbad overruled the contention of the employers that the Tribunal should determine the preliminary question whether the employee, D. R. Singh, was or was not concerned with four other references pending before the Tribunal. The view taken by the Tribunal was that such a contention could not be raised by the employer and if he thought that Section 33 did not apply he should withdraw the application and take the consequences. On that view, the Tribunal refused to entertain the plea and proceeded to deal with the merits of the application. The Hon'ble Supreme Court disapproved of this logic of the Tribunal on the ground that when inconsistent views had been taken by different High Courts such a stand taken by the Tribunal was illogical and unsatisfactory. The Hon'ble Supreme Court clearly re-affirmed the broader construction of the words "workman concerned in such dispute" as decided in two earlier decisions namely, *New India Motors Private Limited Vs. Morris* (K.T.) (1960-I-LLJ/p.551) and *Digwadih Colliery Vs. Ramji Singh* (1964-II-LLJ p. 143). Now that a broader construction has been unequivocally enunciated and reaffirmed by the Hon'ble Supreme Court, there is no justification left for employers now to solicit the advice from Tribunal while making applications under Section 33(2) (b). It is of course open to them to oppose an application under Section 33-A of a workman on the ground that he was not a concerned workman in the reference under Section 10 I.D. Act. But to ask the Tribunal to determine this point when the position of law is clearly stated and well settled, would really tantamount to rendering an advice on a question which is rather a mixed question of law and fact. The circumstances of *Tata Iron & Steel Co.* case on the authority of which the employers seek the direction of the Tribunal no more exist now and they were different when the said case was decided and observations were made by the Hon'ble Supreme Court.

Since, however, the question has been debated, it is necessary to analyse and to state the law as propounded by the Hon'ble Supreme Court. For the first time, the question came to be considered by the Hon'ble Court in *New India Motors* case (*supra*) where their lordships examined the construction of the words "workman concerned in such dispute" from different stand points. The importance of the definition of industrial dispute as prescribed in Section 2(k) was first examined and emphasised. It was then pointed out under Section 18(3) of the Act, an award binds not only parties to the dispute but all employees in the establishment. The object of enacting Section 33 was also referred in this connection. Lastly, even as a matter of construction pure and simple their Lordships found no justification for assuming that the workman concerned in such dispute must be workmen directly or immediately concerned in the said dispute. The observation on the following passage which may be called a dictum on the point is pertinent:—

"In dealing with the question as to which workmen can be said to be concerned in an industrial dispute we have to bear in mind the essential condition for the raising of an industrial dispute itself, and if an industrial dispute can be raised only by a group of workmen acting on their own or through their union, then it would be difficult to resist the conclusion that all those who sponsored the dispute are concerned in it. As we have already pointed out, this construction is harmonious with the definition prescribed by

S. 2(s) and with the provisions contained in S. 18 of the Act. Therefore, we are not prepared to hold that the expression "workmen concerned in such dispute can be limited only to such of the workmen who are directly concerned with the dispute in question. In our opinion, that expression includes all workmen on whose behalf the dispute has been raised as well as those who would be bound by the award which may be made in the said dispute."

In the last paragraph their Lordships approved of the construction placed by the Labour Appellate Tribunal in *Eastern Plywood of Manufacturing Company Ltd. Vs. Eastern Plywood Manufacturing Workers' Union* (19*-LLJ p. 628). A few rulings of other High Courts were also referred, out of which the case of *Andhra Scientific Company Ltd. V. Seshagiri Rao (A)* (by *Andhra Scientific Company Employees' Union* (1959-II-LLJ p. 717) appears to be as this case does not at all deal with the question. Actually another case *Sri Rama Sugar & Industries V. Industrial Tribunal* and two others reported at page 712 of the same volume and immediately preceding the *Andhra Scientific Company Ltd.* case in the same volume deals with this question and the *Andhra High Court* at page 716 preferred the broader interpretation following the *Newton Studios Ltd. Vs. Ethirajulu (T.R.)* and others (1958-I-LLJ p. 63) which also discussed this question and adopted the broader construction. In doing so, guidance was taken from observations of the Hon'ble Supreme Court in *Automobile Product of India Vs. Rukmajibala* (1955-I-LLJ p. 346) regarding the object for which Section 33 of the I.D. Act was enacted. The narrow view adopted by the Bombay High Court in *New Jahangir Vakil Mills Ltd., Bhavnagar Vs. N. L. Vyas and others* (1958-II-LLJ 573) was expressly rejected by the Hon'ble Supreme Court both in *New India Motors* case as also in *Tata Iron & Steel Co.* case. It would be interesting to state that the Bombay High Court also considered the effect of Section 18 of the I.D. Act, but held that the award or settlement would not bind the whole body of the workmen who sponsored the dispute but only such of the workmen who are affected and are working in the same department. The three concerned workmen in that case belonged to ringframe Department while the references concerned certain other workmen of the bleaching department. This distinction drawn by the Bombay High Court apparently was not approved by the Hon'ble Supreme Court while rejecting the narrower view. It follows, therefore, that the Hon'ble Supreme Court has laid down the law that all workmen who will be bound by the reference under Section 10 of I.D. Act would be the person concerned in the dispute. The other two cases of the Hon'ble Supreme Court which are usually referred for a different interpretation are *Upper Ganges Valley Electric Supply Co. Ltd. Moradabad Vs. Srivastava (G.S.)* reported in 1963(I) LLJ p. 237 and *Digwadih Colliery Vs. Ramji Singh* (1964-II-LLJ p. 145). In the former case while considering the question of pendency of certain appeals before the L.A.T. their Lordships found that only one appeal was pending which related to the grant of annual increment to a workman M. K. Varshney. It was casually observed that the same was an individual dispute in respect of one employee and so the present respondent could not be said to be concerned with that dispute. Full facts about that appeal were not available to the Hon'ble Court and it was not known whether the dispute regarding Varshney had or had not been espoused by any Union. It was also not known whether the employee concerned Srivastava had any connection or nexus through any union so as to be concerned in the reference regarding Varshney. The observation of the Hon'ble Court, therefore, is not to be interpreted literally for any guidance. The *Digwadih* case is only an authority on the point that a workman when he files an application under Section 33-A has to establish that he was concerned in the dispute under reference. The complainant in that case had made no averment about the nature of the said dispute and had not indicated how he was concerned in the dispute under reference. On the other hand, the company had shown that the reference was on behalf of the chaprasis and watchmen of the collieries for overtime wages and the complainant was a clerk in grade III. With this manifest distinction it was for the complainant to have established how he was concerned in that reference. He could have proved it by showing that the dispute under reference regarding Chaprasis and watchmen was sponsored by the union of which he was a member and was thus concerned with the industrial dispute or that he was one of the workmen who had raised the industrial dispute. In the absence of any such information, the Hon'ble Supreme Court held that complainant under Section 33A cannot succeed on the presumption that the reference of the pending industrial dispute must necessarily have had a nexus with the complainant. It may be noticed that in the *Tata Iron and Steel Co., case* the Hon'ble Supreme Court observed at p. 123 In this latter case, this Court considered the conflicting judicial decision rendered by the different High Courts and has approved of the broader construction of the

words "workmen concerned in such dispute". The word "latter" is presumably a slip for "former" as the Hon'ble Court had considered the conflicting judicial decisions in New India Motors case and had approved of the broader construction. The broader construction, therefore, remains reaffirmed in Tata Iron & Steel Company case.

After the Tata Iron & Steel Co. case the Patna High Court had occasion to consider the rulings of the Hon'ble Supreme Court as also one other ruling of that very court in New India Sugar Mills Ltd. case which is not yet reported in Labour Law Journal but has been so done by Mines and Factories Journal in the issue of April, 1967 at page 494. The Patna High Court adopted the broader construction and found a common clue as nexus between the reference and the workman against whom approval was sought under Section 33(2)(b) inasmuch as there was an allegation of victimisation in both cases and the sponsoring union was the same. Such an approach was not indicated by the Hon'ble Supreme Court and in fact may be impossible for an employer to anticipate what would be the averment of the workman against whom an approval is sought or in fact whether he would at all be represented by the same union or any union. To my mind, answer to the question while determining whether a workman is concerned or not in the industrial dispute under reference rests on the principal consideration whether the said workman was or was not a party directly or indirectly through the Union in sponsoring the industrial dispute under reference. In an application under Section 33-A, he has to establish the fact himself and in an application for approval under Section 33(2)(b) it should already be known to the employer in the ordinary course whether the workman against whom approval is sought was or was not concerned in sponsoring the industrial dispute under reference. If he was, he is a concerned workman, whatever may have been the nature of the industrial dispute under reference, as an award in that reference would bind him also along with the other workmen. But if he was not in any way connected in the sponsoring of the dispute either through the Union or collectively with other workmen who espoused the industrial dispute, he would not be a concerned workman. Such a position can easily be envisaged when there are more than one unions. The sponsoring union of an industrial dispute under reference may be a different union than the workman who applies under Section 33-A or against whom an approval is sought under Section 33(2)(b). In the latter case, he may not be a member of any union and or if at all may be a member of a different union. In such a case, he cannot be called to be workman concerned in the dispute. In this connection, it is pertinent to notice the amendment now made as Section 2-A which has been added by Act XV of 1965. Under this newly added section, dismissal, discharge, or retrenchment or termination of service of an individual workman shall now be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute. With the amended law a workman in his individual capacity can now raise a dispute about the termination of his service without the recourse of having help from other workmen or the union. If such a case results in a reference, obviously in such a reference another workman against whom an approval is sought by the employer under Section 33(2)(b) would not be a concerned workman in the reference as the imposition of the term "industrial dispute" in Section 2A is merely fictional and notional. It is, therefore, easy to demarcate class of cases in which a particular workman would be a concerned workman or would not be so during the pendency of a reference under Section 10. This is what I conceive to be the state of law as enunciated by the Hon'ble Supreme Court.

(Sd.) G. C. AGARWALA,
Presiding Officer.
25-7-67.

PART II (True Copy)

Memorandum of Settlement between the Management of Indian Copper Corporation Ltd., and their workmen of Mosaboni Mines represented by the Mosaboni Mines Labour Union, in respect of the Industrial Disputes pending adjudication before the Industrial Tribunal-cum-Labour Court (Central) at Jabalpur.

Names of Parties

Representing the Management

1. Mr. T. C. W. H. Blay, Ag. M.S.
2. Mr. K. Ramamoorthi—L.O.

Representing by workmen

1. Mr. H. B. Singh Arsl, General Secretary, M.M.L.U.
2. Mr. S. K. Das, Asstt. Secretary, M.M.L.U.
3. Mr. S. N. Aditya, Asstt. Secretary, M.M.L.U.

Short Recital of the case:

Whereas in its letters No. MMLU/103/MS/64 dated, 3rd October 1964 and No. MMLU/G-3A(CO)/64-3 dated 8th November 1964 the Mscaboni Mines Labour Union raised Industrial Disputes for reinstatement of Sri Bhupati Sen (Badge No. 5998) and for supply of free electricity and fuel to Sri U. C. Patnalk (Badge No. 1706) respectively.

And whereas these disputes were referred by the Government of India in the Ministry of Labour, Employment and Rehabilitation to the Central Government Industrial Tribunal for adjudication.

And whereas during the pendency of the aforesaid references before the Industrial Tribunal, various applications u/s 33(2)(b) and u/s 33(3)(b) of the Industrial Disputes Act have been made by the Management and complaints u/s 33A of the Industrial Disputes Act have been made by certain workmen.

And whereas the aforesaid two References are pending as No. 72 of 1967 and No. 82 of 1967 before the Industrial Tribunal-cum-Labour Court (Central) at Jabalpur and the cases under Sections 33 and 33A I.D. Act are also pending before the same Tribunal and numbered as detailed in the Schedules 'A' and 'B' annexed hereto.

And whereas the Parties hereto, with a view to create better understanding, promote healthy Industrial Relations and maintain Industrial peace, after repeated discussions have arrived at an amicable settlement on this Friday, the 4th of August 1967 on the following terms and conditions:—

Terms of settlement:

1. In the main Reference case No. 72 of 1967, it is agreed that Sri Bhupati Sen shall be reinstated as a special case and is allowed one month's time to resume duty. The intervening absence from the date of Sri Bhupati Sen's dismissal till the date of his resuming duty under this settlement shall be treated as special leave with loss of all benefits. Sri Bhupati Sen's wages shall be the same as he was getting at the time of his dismissal.
2. In respect of the cases u/s 33A I.D. Act, it is agreed as follows:—
 - (i) Case No. 15 of 1967—The complaint of Sri Abdul Haque Khan (B. No. 461/E) shall not be pressed before the Tribunal.
 - (ii) Case No. 16 of 1967—Sri Ganguli Singh (B. No. 5035/WW) shall be allowed one day off for 7th June 1965 but this shall not form a precedent.
 - (iii) Case No. 17 of 1967—The complaint of Sri Jitral Mahali (B. No. 5221) shall not be pressed before the Tribunal.
 - (iv) Case No. 18 of 1967—Sri J. N. Bhattacharjee (B. No. 1400/E) shall be given a special Increment of 42 Paise with effect from 1st August 1967.
 - (v) Case No. 19 of 1967—Sri S. B. Barua (B. No. 5724) shall be paid Acting Allowance for 18 days, i.e. from 22nd February 1965 to 25th February 1965 and from 1st March 1965 to 14th March 1965.
 - (vi) Case No. 20 of 1967—The complaint of Sri M. M. Pati (B. No. 6236) shall not be pressed before the Tribunal.
 - (vii) Case No. 21 of 1967—Sri Periappa Naidu (B. No. 7336) shall be allowed leave for the year 1965.
 - (viii) Case No. 23 of 1967—Sri R. Ramswamy (B. No. 3429) shall be allowed leave for the year 1965.
 - (ix) Case No. 24 of 1967—The Warning chit No. 24003 issued to Sri Ram Bilas Singh (B. No. 3819) for absence without leave for 2 days, i.e. 18th and 19th of November 1966, shall be cancelled.
3. In respect of the cases u/s 33(2)(b) and 33(3)(b) of the I.D. Act it is agreed as follows:—
 - (i) Case No. 18 of 1967—Management's application for approval of dismissal of Sri Mosu (B. No. 1228) shall not be opposed before the Tribunal. However, the dismissal shall not be considered as a bar against his seeking fresh employment.
 - (ii) Case No. 20 of 1967—Sri Muchi Ram (B. No. 7582) shall be re-employed in his former designation (sweeper) by 14th September 1967 in the usual way.

- (iii) Case No. 27 of 1967—Sri Dhananjoy Pator (B. No. 5619) shall be re-employed in his former designation (Mucker) by 14th October 1967 in the usual way.
- (iv) Case No. 31 of 1967—Sri Muneswar (B. No. 6495) shall be re-employed in his former designation (Trammer) by 14th October 1967 in the usual way.
- Case No. 35 of 1967—Sri Muneswar (B. No. 6495) shall be re-employed in his former designation (Trammer) by 14th October 1967 in the usual way.
- Case No. 47 of 1967—Sri Muneswar (B. No. 6495) shall be re-employed in his former designation (Trammer) by 14th October 1967 in the usual way.
- (v) Case No. 39 of 1967—The Management's application for approval of the dismissal of Sri Sk. Munu (B. No. 5974) shall not be opposed before the Tribunal. However, the dismissal shall not be considered as a bar against his seeking fresh employment and he may apply to the Mines Superintendent for consideration of his re-employment.
- (vi) Case No. 40 of 1967—Sri Bhuban Narayan Deo (B. No. 7981) shall be re-employed in his former designation (Timbar Mazdoor) by 14th October 1967 in the usual way.
- (vii) Case No. 45 of 1967—The Management's application for approval of the action taken against Sri Shib Shankar Nair (B. No. 7989) shall not be opposed before the Tribunal.
- (viii) Case No. 46 of 1967—Punishment of 4 days suspension issued to Sri Ram Billash Singh (B. No. 3819) for absence without leave from 21st March 1966 to 3rd April 1966 shall be set aside but the final warning issued for the same shall stand.
- (ix) Case No. 49 of 1967—Sri Abdul Karim (B. No. 4664) shall be re-employed in his former designation (Mucker) by 14th October 1967 in the usual way.
- (x) Case No. 54 of 1967—Sri Naiki Hoe (B. No. 7722) shall be re-employed in his former designation (Timber Mazdoor) by 14th October 1967 in the usual way.
- (xi) Case No. 57 of 1967—Sri Parmanand Ghasi (B. No. 1811) shall be re-employed in his former designation (Sweeper) by 14th September 1967 in the usual way.
- (xii) Case No. 72 of 1967—Sri Lal Mohan Singh (B. No. 2237) shall be re-employed in his former designation (Blaster Helper) by 14th October 1967 in the usual way.
- (xiii) Case No. 76 of 1967—Punishment of 4 days suspension issued to Sri Sheo Prasad Singh (B. No. 1768) for absence without leave in the year 1966 shall be set aside but the final warning issued for the same shall stand.
- (xiv) Case No. 78 of 1967—Sri Phul Chand Pator (B. No. 770) shall be re-employed in his former designation (M. Mazdoor) by 14th October 1967 in the usual way.
- (xv) Case No. 82 of 1967—Sri Basudeo Pator (B. No. 8023) shall be re-employed in his former designation (U/G Fitter Helper) by 14th October 1967 in the usual way.
- (xvi) Case No. 84 of 1967—The Management's application for the approval of the dismissal of Sri Amulya Rana (B. No. 4916) shall not be opposed before the Tribunal. The dismissal however, shall not be a bar against his re-employment and Sri Rana may apply to the Mines Superintendent for consideration of his re-employment.

4. The parties could not agree on any settlement in respect of the main Reference No. 82 of 1967, case u/s 33A I.D. Act No. 22 of 1967 and the cases u/s 33 I.D. Act, No. 24 of 1967, No. 59 of 1967, No. 60 of 1967, No. 61 of 1967, No. 62 of 1967, No. 68 of 1967 and No. 69 of 1967 which remain unsettled to be decided by the Tribunal.

5. All other applications u/s 33 I.D. Act pending before the Tribunal and not settled hereto before shall not be opposed or contested before the Tribunal and shall be decided in favour of the Management.

6. Both the parties shall jointly apply to the Industrial Tribunal-cum-Labour Court (C), Jabalpur, to take this settlement on record and dispose of the cases settled herein in terms of this compromise.

1. Representing the Management.

Sd./- T. C. W. H. BLAY.

Sd./- K. RAMAMOORTHY.

2. Representing the Union.

Sd./- H. B. SINGH ARSI.

Sd./- S. N. ADITYA.

Sd./- S. K. DAS.

Dated: 4th August 1967.

Mosaboni Mines.

Witnesses

1. Sd/- M. N. Sahai

2. Sd/- Mobarak Ahmed.

List of Cases under Sec. 33 (2) (b)

SCHEDULE 'A'

Sl. No.	Case No.	Date of application	Name of the workman
1	CGIT/LC(18)/67	25/1/65	Mosu, No. 1228, Car Driver.
2	" (19)/67	1/3/65	Lasso Majhi, No. 2429, R/Checker.
3	" (20)/67	15/3/65	Muchiram, No. 7582, M/Sweeper.
4	" (21)/67	24/4/65	Suren Purty, No. 8070, S/Checker.
5	" (22)/67	29/4/65	Rajendra Singh, No. 5799, Sepoy.
6	" (23)/67	30/4/65	M. K. K. Nair, No. 7856, R/Checker.
7	" (24)/67	27/4/65	Amia Naik, No. 1367, Cr. Mazdur.
8	" (25)/67	27/5/65	Guha Bah. Chettry, No. 8131, M/R.
9	" (26)/67	10/6/65	Bideshi Brened, No. 1769, M/Sweeper.
10	" (27)/67	12/6/65	Dhananjoy Pator, No. 5619, Mucker.
11	" (28)/67	6/7/65	Bhatla Majhi, No. 910, M/Mazdur.
12	" (29)/67	6/7/65	Ghasiram Naik, No. 7272, Trammer.
13	" (30)/67	28/8/65	Bidooram Sardar, No. 4507.
14	" (31)/67	4/9/65	Muneswar, No. 6495, Trammer.
15	" (32)/67	5/10/65	Kalu, No. 7513, M/Sweeper.
16	" (33)/67	15/10/65	Tila, No. 5772, I/Sweeper.
17	" (34)/67	15/10/65	Man Bah. Gurung, No. 5770, Sepoy.
18	" (35)/67	16/10/65	Muneswar, No. 6595, Trammer.
19	" (36)/67	23/10/65	Bom Bah. Tamang, No. 7708, Mucker.
20	" (37)/67	30/10/65	Haripada Karmakar, No. 5178.
21	" (38)/67	13/12/65	Md. Abbas, No. 2382, BI/Helper.
22	" (39)/67	30/12/65	Sk. Munu, No. 5974, Mucker.
23	" (40)/67	8/1/66	Bhuban Narayan Deo, No. 7981.
24	" (41)/67	18/1/66	Pratima, No. 5716, F/Sweeper.
25	" (42)/67	31/1/66	Bhuban Bah. Thappa, No. 5719, Sepoy.
26	" (43)/67	8/3/66	Bibhisani, No. 7529, M/Sweeper.
27	" (44)/67	29/3/66	Baldeb, No. 5101, M/Sweeper.
28	" (45)/67	6/4/66	Shib Shankar Nair, No. 7989, Mucker.
29	" (46)/67	7/4/66	Ram Bilas Singh, No. 3819.
30	" (47)/67	30/5/66	Muneswar, No. 6495, Trammer.
31	" (48)/67	30/5/66	Bhola Karmakar, No. 2915, Mucker.
32	" (49)/67	6/6/66	Abdul Karim, No. 4664, Mucker.
33	" (50)/67	11/6/66	Jogendra Prasad, No. 734, M/Mazdur.
34	" (51)/67	15/6/66	Balbair Singh, No. 7810, Mucker.
35	" (52)/67	23/6/66	Magan Pator, No. 2482, H/Mazdur.
36	" (53)/67	9/9/66	Md. Burhan, No. 4644, Trammer.
37	" (54)/67	25/6/66	Naiki Hoe, No. 7722, T/Mazdur.
38	" (55)/67	7/7/66	Haripada Pator, No. 3204, Mucker.
39	" (56)/67	26/7/66	Prem Bah. Tamang, No. 4620, Mucker.
40	" (57)/67	30/8/66	Permanand Ghasi, No. 1811, M/Sweeper.

S. No.	Case No.	Date of application	Name of the workmen.
41	CGIT/LC(59)/67	21/9/66	Sudhan Sharma, No. 359, Blacksmith.
42	" (50)/67	21/9/66	Abdul Manan, No. 867, F. G. Mazdur.
43	" (51)/67	21/9/66	Nasiruddin Khan, No. 872, F. G. Mazdur.
44	" (62)/67	20/9/66	Dhananjay Singh, No. 5062, Sepoy.
45	" (63)/67	24/9/66	S. Moni, No. 7458, Mucker.
46	" (64)/67	27/9/66	Bishwanath Pator, No. 3790, H/Muzdur.
47	" (65)/67	5/10/66	Dhiren Pator, No. 5624, Trammer.
48	" (65)/67	17/10/66	Parsuram Singh, No. 4786, T/Mazdur.
49	" (67)/67	18/10/66	Khargu Bah. Lama, No. 3447, M/R.
50	" (68)/67	12/11/66	Sadhoo Singh, No. 133, Engg. Deptt.
51	" (69)/67	12/11/66	Kamal Singh, No. 503, Rigger.
52	" (70)/67	19/11/66	Khetra Mohan Pator, No. 2217, Mucker.
53	" (71)/67	26/11/66	Ashit Kumar Mahato, No. 3768, M/Mazdur.
54	" (72)/67	3/12/66	Lal Mohan Singh, No. 2237, Balaster Hr.
55	" (73)/67	29/12/66	Dulu, No. 1868, M/Sweeper.
56	" (74)/67	29/12/66	Garjman Lama, No. 3522, Mucker.
57	" (75)/67	29/12/66	R. Chattu Kutty, No. 3082, Mucker.
58	" (76)/67	31/12/66	Sheo Prasad Singh, No. 1768, S/Inspector.
59	" (77)/67	30/12/66	Mangla Pator, No. 4853, T/Mazdur.
60	" (78)/67	9/1/67	Fulchand Pator, No. 770, M/Mazdur.
61	" (79)/67	11/1/67	Padam Majhi, No. 5932, P/Mazdur.
62	" (80)/67	11/1/67	Abinash Pator, No. 3568, Mucker.
63	" (81)/67	11/1/67	Singrai Hoe, No. 5432, Round Checker.
64	" (82)/67	4/2/67	Basudeo Pator, No. 8023, U/G. F/Hr.
65	" (84)/67	13/2/67	Amulya Rana, No. 4916, T/Mazdur.
66	" (85)/67	13/2/67	Min Bah. Neor, No. 7493, M/R.
67	" (86)/67	16/2/67	Bimbadhar Dhir, No. 5852, T/Mazdur.
68	" (87)/67	20/2/67	N. K. Colombo, No. 3111, Trammer.
69	" (88)/67	20/2/67	Md. Burhan, No. 4644, Trammer.
70	" (89)/67	21/2/67	Gope Bah. Chetty, No. 2096, Mucker.
71	" (90)/67	22/2/67	Lal Bah. Chetty, No. 2037, Mucker.
72	" (90)/67	20/2/67	Raghunath, No. 1874, M/Sweeper.
73	" (91)/67	21/2/67	Rajendra Kaibhartha, No. 3022, Mucker.
74	" (92)/67	20/2/67	Chure Pun, No. 5072, Sepoy.
75	" (93)/67	20/2/67	Dagam Singh Ghale, No. 7695, Sepoy.
76	" (94)/67	21/9/66	Sripati Patar, No. 1697, Hammerman.
77	" (95)/67	22/2/67	Nara Hoe, No. 5673, P. F. Helper.
78	" (96)/67	22/2/67	Nuruddin Mian, No. 2920, Blaster.
79	" (97)/67	22/2/67	Chet Bah. Chetty, No. 3796, Mucker.
80	" (98)/67	22/2/67	Sanghi Bodra, No. 6332, Trammer.
81	" (99)/67	20/2/67	Chamba Singh Lama, No. 8066, Blaster.
82	" (100)/67	23/2/67	Darud Khan, No. 6005, Mucker.
83	" (101)/67	23/2/67	Sakal Bah. Darjee, No. 6070, Mucker.
84	" (102)/67	23/2/67	Bhuban Pator, No. 2431, Mucker.
85	" (103)/67	23/2/67	Keshab Majhi, No. 4183, Mucker.
86	" (104)/67	23/2/67	Ram Majhi, No. 4796, M/Sardar.
87	" (105)/67	23/2/67	Lal Bah. Chetty, No. 8438, Mucker.
88	" (106)/67	23/2/67	Bikram Murmoo, No. 7871, Mucker.
89	" (107)/67	23/2/67	Ram Chandra Giri, No. 5448, M/R.
90	" (108)/67	23/2/67	Lakhinder Majhi, No. 5879, Mucker.
91	" (109)/67	23/2/67	Puncy Darjee, No. 4833, Trammer.
92	" (110)/67	28/2/67	Makar Bah. Lama, No. 4842, M/R.
93	" (111)/67	28/2/67	Lakhan Lal Neor, No. 7342, M/R.
94	" (112)/67	25/2/67	Lal Bah. Tamang, No. 3533, M/R.
95	" (113)/67	25/2/67	Bhakta Bah. Sonar, No. 4338, M/R.
96	" (114)/67	25/2/67	Krishna Bah. Srista, No. 4740, Mucker.
97	" (115)/67	25/2/67	Lal Bah. Tamang, No. 7935, Mucker.
98	" (116)/67	25/2/67	Sher Bah. Chetty, No. 3597, M/R.
99	" (117)/67	25/2/67	Padam Bah. Chetty, No. 4047, M/R.
100	" (118)/67	25/2/67	Padam Bah. Lama, No. 2944, M/R.
101	" (119)/67	27/2/67	Som Bah. Thappa, No. 2813, Mucker.
102	" (120)/67	27/2/67	Prem Bah. Neor, No. 3605, Mucker.
103	" (121)/67	27/2/67	Prem Bah. Chetty, No. 2609, Mucker.
104	" (122)/67	27/2/67	Kashilingam, No. 2026, Mucker.
105	" (123)/67	27/2/67	Prafulla Simli, No. 2859, Mucker.

S. No.	Case No.	Date of application	Name of the workmen
106	CGIT/LC(124)/67	25/2/67	Salkhan Hansda, No. 8477, Mucker.
107	" (125)/67	28/2/67	Talak Bah. Chetty, No. 7862, Mucker.
108	" (126)/67	28/2/67	Dhanu Hansda, No. 2896, T/Maz.
109	" (127)/67	28/2/67	Kharga Bah. Thappa, No. 4844, Mucker.
110	" (128)/67	28/2/67	Ananda Sardar, No. 2948, T/Mazdur.
111	" (129)/67	28/2/67	Padam Bah. Lama, No. 7065, T/Mazdur.
112	" (130)/67	28/2/67	Nar Bah. Darjee, No. 4867, Trammer.
113	" (131)/67	28/2/67	Surbir Chetty, No. 5598, Trammer.
114	" (132)/67	28/2/67	Thiraj Upadhya, No. 4803, Trammer.
115	" (133)/67	28/2/67	Hari Giri, No. 2636, Mucker.
116	" (134)/67	28/2/67	Bil Bah. Chetty, No. 4474, Mucker.
117	" (135)/67	28/2/67	Chabilal Neor, No. 4373, Trammer.
118	" (136)/67	28/2/67	Dhir Singh, No. 5154, U/G. Sweeper.
119	" (137)/67	28/2/67	Kushnu Majhi, No. 5894, Mucker.
120	" (138)/67	28/2/67	Birkha Bah. Thappa, No. 4991, M/R.
121	" (139)/67	27/2/67	Ismailuddin, No. 2702, Mucker.
122	" (140)/67	27/2/67	Karna Bah. Mogor, No. 2012, Mucker.
123	" (141)/67	27/2/67	Aswini Kr. Adhikari No. 2323, Mucker.
124	" (142)/67	27/2/67	Ratna Bah. Chetty, No. 2257, B/Hr.
125	" (143)/67	27/2/67	Thakram Darjee, No. 2951, J/Mazdur.
126	" (144)/67	28/2/67	Ram Bah. Chetty, No. 3009, Mucker.
127	" (145)/67	28/2/67	Dasmat Majhi, No. 2643, T/Mazdur.
128	" (146)/67	28/2/67	Netra Bah. Thappa, No. 8033, Mucker.
129	" (147)/67	28/2/67	Bhim Bah. Upadhya, No. 8064, Mucker.
130	" (148)/67	6/3/67	R. Rajee, No. 6230, Lorry Driver.
131	" (149)/67	6/3/67	C. Debda, No. 3258, Shaft Mazdur.
132	" (150)/67	10/3/67	Sashi Bhusan Bhakat, No. 5205, H/Mazdur.
133	" (151)/67	6/3/67	C. Debda, No. 3258, Shaft Mazdur.
134	" (152)/67	21/4/67	Girish, No. 1884, M/Sweeper.
135	" (153)/67	25/4/67	Tajuddin Mja, No. 5488, Trammer.
136	" (154)/67	25/4/67	Kashim Khan, No. 8056, Trammer.
137	" (181)/67	3/5/67	Hari Ram Beldar, No. 8498, Mucker.
138	" (182)/67	3/5/67	Ladu Hoe, No. 3646, Mucker.
139	" (183)/67	3/5/67	Chandraj Majhi, No. 7951, Mucker.
140	" (184)/67	3/5/67	Srinath Majhi, No. 2669, T/Mazdur.
141	" (185)/67	3/5/67	Pancha Keshram, No. 4715, Mucker.
142	" (186)/67	3/5/67	Jitu Mahali, No. 5812, Mucker.
143	" (187)/67	3/5/67	Kandey Hoe, No. 4619, Mucker.
144	" (188)/67	3/5/67	Ratan Sabar, No. 7977, Trammer.
145	" (189)/67	3/5/67	Dukhu Mukhi, No. 8640, M/Sweeper.
146	" (190)/67	3/5/67	Ashram, No. 5170, M/Sweeper.
147	" (191)/67	3/5/67	Suren Pator No. 7719, M/Mazdur.
148	" (192)/67	6/5/67	Bhagabatia, No. 5116, M/Sweeper.
149	" (193)/67	5/5/67	Rentra Majhi, No. 7246, Trammer.
150	" (194)/67	5/5/67	Bhali, No. 7524, M/Sweeper.
151	" (195)/67	6/5/67	Narendra Behera, No. 7619, M/Sweeper.
152	" (196)/67	5/5/67	Haradhan Barik, No. 7067, Trammer.
153	" (197)/67	5/5/67	Padam Ch. Naik, No. 1814, M/Sweeper.
154	" (198)/67	5/5/67	Sidia Bhoipai, No. 2975, Trammer.
155	" (199)/67	5/5/67	Rattan Sagar, No. 8642, M/Sweeper.
156	" (200)/67	5/5/67	Kartik, No. 8660, M/Sweeper.
157	" (202)/67	24/5/67	Som Bah. Lama, No. 3291, Mucker.
158	" (203)/67	24/5/67	Makardhaj Chetty, No. 5820, H/Mazdur.
159	" (204)/67	24/5/67	Ismailuddin, No. 4655, Trammer.
160	" (205)/67	24/5/67	Tek Bah. Gurung, No. 4753, Mucker.
161	" (206)/67	24/5/67	Kharga Bah. Chetty, No. 7870, Mucker.
162	" (207)/67	24/5/67	Kripa Singh Lama, No. 8021, Mucker.
163	" (208)/67	24/5/67	Rana Bah. Chetty, No. 4559, Trammer.
164	" (209)/67	24/5/67	Padam Bah. Thakuri, No. 4780, Mucker.
165	" (210)/67	24/5/67	Lal Bah. Chetty, No. 4724, Mucker.
166	" (211)/67	24/5/67	Him Bah. Chetty, No. 6113, Mucker.
167	" (212)/67	3/5/67	Sukra Mahakur, No. 819, M/Mazdur.

List of Cases under Sec. 33 (A)

SCHEDULE 'B'

Sl. No.	Case Number	Date of application	Name of the workmen.
1	CGIT/LC(15)/67	13/10/65	Abdul Haque Khan, No. 461, Fitter.
2	" (16)/67	13/10/65	Ganguli Singh, No. 5055, Sepoy.
3	" (17)/67	19/11/65	Jitrai Mahali, No. 5221, P/F Helper.
4	" (18)/67	15/11/65	J. N. Bhattacharjee, No. 1400, S/Checker.
5	" (19)/67	4/1/66	S. B. Barua, No. 5724, Clerk.
6	" (20)/67	10/2/66	M. N. Pati, No. 6236, Asst. Sampler.
7	" (21)/67	10/2/66	Periappa Naidu, No. 7336, R/Mazdur.
8	" (22)/67	22/2/66	B. N. Aditya, No. 1908, Asst. Tracer.
9	" (23)/67	6/12/66	S. Ramaswamy, No. 3429, Electrician.
10	"B (24)/67	22/2/66	Ram Bilas Singh, No. 3819, U/G. Checker.

Sd/-Illegible

Sd/-Illegible

Sd/-Illegible

General Secretary,
Mosaboni Mines Labour Union.

[No. 24/30/67-LR.I.]

S.O. 3650.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the (1) Calcutta Dock Labour Board (2) The Master Stevedores Association (3) The Calcutta Stevedores Association, Calcutta and their workmen which was received by the Central Government on 28th September, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 124 of 1966.

PARTIES:

Employers in relation to

- (i) Calcutta Dock Labour Board, Calcutta.
- (ii) The Master Stevedores Association, Calcutta.
- (iii) The Stevedores Association, Calcutta.

AND

Their Workmen.

PRESENT:

Shri S. K. Sen.—Presiding Officer.

APPEARANCES:

On behalf of Employers.—Shri N. K. Mukherjee, Advocate for Calcutta Dock Labour Board.

Shri S. S. Aiyar for Master Stevedores Association.

Shri B. C. Chatterjee for Calcutta Stevedores Association.

On behalf of Workmen.—Shri D. L. Sen Gupta, Advocate.

STATE: West Bengal.

INDUSTRY: Dock

AWARD

By Order No. 28(136)36-LRIV dated 29th September, 1966 the Central Government referred for adjudication an industrial dispute between the employers in relation to (1) Calcutta Dock Labour, Calcutta (2) The Master Stevedores Association, Calcutta and (3) The Calcutta Stevedores Association

Calcutta and their workmen in respect of the matters specified in the following schedule:

1. Whether the demand for reinstatement of the following ex-workmen is justified, and if so, to what relief, if any, are they entitled:—
 - (1) Shri Ahad Khan, Hatch Foreman.
 - (2) Shri Jitendra Nath Das, Tally Clerk.
 - (3) Shri Siddique Khan, Winchman.
 - (4) Shri Noor Mohammad, Khamali-II.
 - (5) Shri Mohammed Ismail, Sardar Supervisor.
 - (6) Shri Aftab Alam, Upper Division Clerk.
 - (7) Sk. Babu, Winchman.
2. Whether the existing wages of monthly workers include an element of wages in respect of the weekly days of rest? If not, to what relief, if any, are they entitled?
3. Whether the demand for mooring allowance for winchmen in addition to their present emoluments is justified? If so, to what relief are they entitled?
4. Whether slicemen and chamachias should be booked for any other type of work? If so, what should be the procedure and conditions for such booking?

Preliminary Objections

2. On behalf of the Dock Labour Board and the Stevedores Associations certain preliminary objections have been urged. The associations have urged that they are not employers of the workmen within the meaning of the Industrial Disputes Act or under the Calcutta Dock Workers (Regulation of Employment) Schemes 1956 and 1957 and therefore the reference is without jurisdiction. The Dock Labour Board has also urged that it is a statutory body set up with a view to ensure the regularity of employment of dock workers, working under the Calcutta Dock Workers (Regulation of Employment) Schemes, 1956 and 1957, in respect of registered and listed workers respectively; and though payment of wages to the reserve pool workers and other daily rated workers are made from the office of the Dock Labour Board, the funds are obtained from the various Stevedoring Firms who employ the labour, and the expenses of the Dock Labour Board itself are met by a levy on such employers; and thus it cannot be said that the Dock Labour Board is carrying on any industry within the meaning of the Industrial Disputes Act, far less an industry for profit and that in the circumstances it cannot be a party to an industrial dispute. Both the Dock Labour Board and the Associations of Stevedores have relied on a Division Bench Ruling of Patna High Court, 1963 I LLJ 76, Sarat Chatterjee and Company Pvt. Ltd., and others *vs.* Central Government Industrial Tribunal, Dhanbad. In that case, in the order of Reference, ten Stevedores firms of Calcutta were named as employers, and the dispute referred concerned the claim of the monthly workmen for scales of pay and for bonus. The learned Bench analysed the provisions of the Dock Workers (Regulation of Employment) Scheme 1956 and came to conclusion that the claim of the monthly workers for scales of pay and for bonus must be decided finally by the Statutory body, namely, the Dock Labour Board, and that the workers are not competent to raise an industrial dispute in view of the provisions of the Dock Workers (Regulation of Employment) Act, 1948 and the Dock Workers (Regulation of Employment) Scheme, 1956. Their Lordships observed that under clause 41 of the Dock Workers (Regulation of Employment) Scheme 1956, it is mandatory that rates of wages, allowances, etc., and other conditions of service shall be such as may be prescribed by the Board of each category of workers from time to time, and it is an implied condition of the contract between the registered dock workers and registered employers that they shall be such as may be prescribed by the Board from time to time; that the terms and conditions are not subject to variation by an express contract to the contrary between the parties, and therefore there can be no industrial dispute between the registered dock employers and the registered monthly workmen as to scales of pay or bonus. This is a decision in respect of a dispute which arose in Calcutta between the monthly rated dock workers and the registered Stevedore firms at Calcutta; as the dispute was before the Central Government Industrial Tribunal at Dhanbad, the writ had to be filed before the Patna High Court. It has therefore been urged that the decision is *res-judicata* as between the registered employers, i.e., the

Stevedore firms and the monthly workmen employers by them. I am however unable to accept the argument as to *res-judicata*, because in the present reference the parties are not limited to the 10 specific firms which were parties in the reference case before the Dhanbad tribunal. All the Stevedore firms which are members of the two associations as well as the Dock Labour Board are now named as employers, and the workmen also include not only the monthly workmen under those 10 firms but all the Reserve Pool workers and other daily rated workers registered under the 1956 Scheme and the workmen listed under the 1957 Scheme. The parties not being identical the principle of *res-judicata* does not apply; neither is the decision of Patna High Court binding on the sitting in Calcutta. But the reasons given by the Patna High Court in the case mentioned above are certainly entitled to respectful consideration.

3. The main reason given by the Patna High Court for coming to the conclusion that there could be no industrial dispute between the registered monthly workers and the registered employers, has already been indicated. The Dock Workers (Regulation of Employment) Scheme, 1956, contains a clause which suggests that there may be industrial disputes referred to adjudication, viz. Clause 8, sub-clause (o), which is in the following terms:

"The Board in meeting shall be responsible for dealing with all matters of policy and in particular may—

- (o) endeavour to settle disputes about which a request for adjudication has been made to the Central Government by the parties concerned and report to the Government the results of such endeavours."

The Patna High Court referred to the above clause, but held that in all matters covered by clause 8(f), in view of clause 41, the Dock Labour Board is the final authority, and only in such matters as may not be covered by the comprehensive specific powers given to the Board, there may be an industrial dispute to be referred to adjudication and that sub-clause (o) of clause 8 must refer to such exceptional cases. Since fixation of wages, hours of work, enlisting, transfer, disciplinary action etc., are all matter within the jurisdiction of the Board, the view taken by the Patna High Court would mean that there is practically no scope for reference to adjudication of a dispute raised by dock labour. But sub-clause (o) of clause 8 appears to be in general terms and I see no reason why it should not be understood to include dispute even in respect to registration or listing or fixation of wages and other conditions of service which the Board is competent to do as a Statutory Body. It is significant that under the Industrial Disputes Act under Sec. 2(s) certain categories of employees are excluded from the scope of the Industrial Disputes Act, viz., persons who are members of the Army or Navy or Air Force, persons under the Police service or Paison service and so on, but the workers registered or listed under the Dock Labour Board are not excluded. The Supreme Court held in *Guest Keen Williams Pvt. Limited v. P. G. Sterling*, 1959 II LLJ 405 that the Standing Orders certified under the Industrial Employment Standing Orders Act, 1946 no doubt become part of the terms of employment by operation of Section 7 of the Act but if an industrial dispute arises in respect of a matter covered by Orders and it is referred to the tribunal by the appropriate Government, the tribunal has jurisdiction to deal with it on merits. By analogy it follows that even though the orders of the Dock Labour Board fixing wages, allowances and other conditions of service become the terms of employment of the workmen, by operation of clause 41 of the scheme, still if an industrial dispute arises in respect of any of such terms and it is referred to the tribunal by the appropriate Government, the tribunal has jurisdiction to deal with it. The Patna High Court referred to the aforesaid decision of the Supreme Court, but pointed out that the case before the Supreme Court arose before the amendment of the Industrial Employment Standing Orders Act, 1946, whereby it was provided that even workmen might apply to the appropriate authority for amendment of a provision of the Standing Order Act; and held that after the amendment, the position would be different; and in support of that view, relied on the following observations of the Supreme Court:—

"There can be no doubt that before the amendment of 1956, if the employees wanted to challenge the reasonableness of fairness of the Standing Orders, the only course open to them was to raise an industrial dispute in that matter. The position has been substantially altered by the two amendments to which we have just referred; but we are concerned in the present case with the state of the law as it prevailed prior to the said amendments and so it cannot be denied that the employees had a right to claim a modification of the Standing Orders on the ground that they were unreasonable or unfair by raising an

industrial dispute in that behalf. Subsequent to the amendment of the Act the employees can raise the same dispute before the Certifying Officer or before the Appellate Tribunal and may in proper case apply for its modification under Sec. 16(2) of the Act."

But the Supreme Court even after making the observation quoted by the Patna High Court, went on to make the general observation that if an industrial dispute arises in respect of Standing Orders certified under the Industrial Employment Standing Orders Act and it is referred to the tribunal by the appropriate Government, the tribunal has jurisdiction to deal with it on merits. It would appear that this observation covers the cases arising both after and before the amendment of Industrial Employment Standing Orders Act, 1946.

4. It is no doubt true that the Dock Labour Board is a Statutory Body with full powers in the matter of enlisting and fixing the wages and allowances and other terms of service of the dock workers, and that out of 15 members 7 are representatives of labour appointed by the Government from the various unions representing dock labour after verifying their membership, and the representatives of the dock labour therefore have a say in all decision of the Board. But as a statutory body, the Board performs many of the functions of employers of labour; Clause 37(2) of the 1956 Scheme and Clause 12(2) of the 1957 Scheme say that the reserve pool workers and the listed workers shall be deemed to be in the employment of the Board. Each individual firm of Stevedore is engaged in the stevedoring business with the object, like every other business, of earning some profit; previously each firm employed casual labour independently. For improving the conditions of service of labour and to make a decasualisation scheme effective, the Government of India set up the Dock Labour Board, entrusted with the task of registering and listing various categories of dock workers, and employers, and fixing all conditions of service including wages and allowances and hours of work and so on. The Stevedore firms no longer have independent control over the labour they employ; they are not entitled to select their workers or fix their wages or other conditions of service; they have lost most of the functions and powers of employers; they have to take the workers booked by the Board on their requisition and deposit their wages with the Board. The Dock Labour Board though exercising many of the functions and powers of employers, is not engaged in any industry with the object of earning profit. The Dock Labour Board may be considered as a sort of managing agent of all the labour employees by the various firms. The Dock Labour Board together with the Stevedoring firms jointly constitute the employers of dock labour. Therefore, if the dock labour has any grievance, there appears to be no reason why they should not be able to raise a dispute under the Industrial Dispute Act, just as workers under a private employer may raise a dispute, there being no statutory bar against the dock labour in this respect. An Industrial Tribunal must be deemed to have jurisdiction when the appropriate Government refers such dispute to it for adjudication.

5. Issue No. 1 raises the question about the demand for reinstatement of certain workmen whose names were removed from the register or who were dismissed because of their long detention under the D. I. Rules. Previously, instead of raising an industrial dispute over similar cases of removal from register or dismissal, the aggrieved persons filed writ petitions in the High Court against the order of Chairman of the Board; the workmen did not seek to raise an industrial dispute under the Industrial Disputes Act, but treating the appellate order of Chairman of Dock Labour Board as final, they filed writ petitions in the High Court against that order. But because an alternative remedy may be adopted it does not follow that such workmen cannot instead raise the same question as an industrial dispute.

6. On behalf of the associations a further objection has been raised that they are not concerned at all with issue no. 1 because it was the Dock Labour Board in its administrative capacity which removed these men from the register or list of workmen or dismissed them and the Associations had nothing to do with such removal or dismissal; and that the associations therefore are not necessary parties in respect of issue no. 1. Similarly, it has been urged that the associations are not interested in issue no. 4 i.e. whether the slicemen and chamachias should be booked for any other type of work, as it is for the Dock Labour Board to decide who should be booked for what type of work. As regards issue no. 2 relating to wages of monthly workers, no doubt the monthly workers are employed under individual Stevedoring firms, but it has been urged that the associations as such are not interested in the monthly workers, as only 6 or 7 firms employ monthly workers and therefore it was not correct to make the associations as a whole parties to the dispute even regarding issue no. 2. In this connection Shri S. S. Aiyer appearing for the associations has referred to clause 15(1)(c)

of the 1956 scheme, which provides that the Board may under certain conditions permit Stevedoring firms to form one or more groups for the purpose of employment of monthly workers, each group so formed being treated as one employer for the employment of monthly workers. Shri Aiyer has stated that no such group has been formed by the Board and therefore a comprehensive reference including all the firms of the two associations is not competent. As regards issue no. 3, Shri Aiyer has stated that the demand for a certain allowance by a particular category of workmen is also a demand to be settled by the Dock Labour Board and the associations are not interested.

7. It may be conceded that associations are not necessary parties in respect of issue no. 1, but if they are proper or necessary parties as regards other issues, it cannot be considered that the reference is bad for defect of parties because the associations have been impleaded. As regards issue No. 4, it is no doubt the duty of the administrative body of the Dock Labour Board to decide bookings of the workmen listed, but regarding slicemen and chamachias the associations entered into an agreement with the workmen represented by two unions, the National Union of Dockers and the Dock Mazdoor Union, regarding their bookings as baggers in food ships, *vide*, Ext. G. dated 9th March 1965; and these workmen now represented by another union, the Dock Workers Union, gave a notice of termination of that agreement and challenged the practice under which slicemen and chamachias are booked as baggers in food ships as at lower rate of pay. It cannot therefore be said that the associations are not necessary parties as regards issue no. 4. As regards issue no. 3, if the tribunal were to raise the emoluments of winchmen by giving them a mooring allowance as claimed, the money would ultimately have to come from the Stevedoring firms, all of whom have to employ winchmen from time to time. Therefore the associations are interested in that issue. As regards the issue no. 2, it may be that only 6 or 7 firms and not all the members of the two associations have monthly workers under them, but even firms not having monthly workers under them must be deemed to be interested in the wages to be fixed for monthly workers. Not only may the other firms also employ monthly workers in future, but if monthly workers are brought back into the Reserve pool of daily rated workers, the booking from the Reserve pool would be affected to a certain extent, and as all firms take workmen from the Reserve pool, they must be deemed to be interested in the question. Thus, my conclusion that the associations are not only proper but necessary parties so far as issue nos. 2, 3 and 4 are concerned, and though they are not necessary parties; so far as issue no. 1 is concerned it cannot be said that the reference is bad for that reason. I therefore over rule all the preliminary objections.

Issue No. 1

8. Of the 7 workmen concerned in Issue No. 1, No. 6-Aftab Alam was an Upper division clerk employed in the office of the Dock Labour Board and No. 5-Md. Ismail, Sirdar Supervisor was a listed worker; the remaining 5 workmen were registered workmen belonging to different categories. The orders of detention which have been proved in the case show that such orders were passed generally to prevent the workmen from acting in a manner prejudicial to the public safety and to maintenance of peaceful conditions in Calcutta. The workmen concerned sent applications from jail for leave during the period of detention but such applications for leave were rejected, and the Chairman of the administrative body passed orders removing them from the register of the case of registered workmen, and from the list of listed workmen in the case of the listed workmen. In the case of Aftab Alam an order of discharge was passed on the ground of continued absence and inability to work. The dates of the orders of detention and release and orders of removal from the register or list or discharge are as follows:—

Name	Date of arrest under D.I. Rule	Date of Release	Date of removal or discharge
Ahad Khan, Hatchforeman	18-4-65	22-4-66	18-9-65
Jitendra Nath Das, Tally clerk	18-8-65	6-5-66	4-11-65
Siddique Khan, Winchman	10-9-65	17-12-65	Allowed to join.
Noor Mohammad, Khamali	14-9-65	6-5-66	15-1-66
Mahammad Ismail, Sirdar Supervisor	15-9-65	1-5-66	18-1-66
Aftab Alam, Upper Division clerk	10-9-65	19-1-66	10-1-66
Sk. Babu, Winchman	10-9-65	12-10-65	Allowed to join

It will be noticed from the above list that two of the seven workmen, namely Siddique Khan and Sk. Babu were allowed to resume duties when they were released from detention. Their names had not been removed from the register because they returned and prayed for being permitted to join before the Administrative body had decided to take their names off the register for continued absence. The periods of their detention were comparatively short. In the case of other men the orders of discharge or removal from the list or register were passed after absence for 3 months or more. There was no proceeding drawn up for the purpose of discharge or removal, but the Chairman of the Administrative body passed orders more or less in the terms used in the case of Ahad Khan, *vide* Ext. 1B:—

“Whereas Shri Abdul Ahad Khan, Hatchforeman, Booking No. 184, has been absent from his work since 18th April 1965 being detained under the Defence of India Rules, Shri Abdul Ahad Khan is hereby informed, that, in the circumstances, his name stands removed from the register of the Board on account of his continued absence and inability to work.”

Shri D. L. Sen Gupta on behalf of the Calcutta Dock Workers Union has urged that such order of removal or discharge without giving an opportunity to the workman concerned to explain his absence was illegal and cannot be sustained. The Dock Labour Board in their written statement has said that the work of the Board suffered due to the long absence of the workmen concerned, and as the absence due to detention was likely to be for an indefinite length the Board after obtaining legal advice removed their names from the list or the register or passed orders for discharge. It may be mentioned that the Board at a meeting held on 13th December 1965 decided that in such cases the Board should remove the name of the workman concerned from the respective register or list after waiting for a reasonable period, and ratified the order of Chairman of the Administrative body removing the names of two of the men from the register before the date of the meeting, viz. Ahad Khan and Jitendra Nath Das. Sri D. L. Sen Gupta has urged that the Chairman of the Administrative Body was not competent to remove the name of any workman from the register or the list in the summary manner in which it was done and in this connection he has referred to clause 45 subclause (b) of the 1956 Scheme and clause 14, subclause (b) of the 1957 Scheme both of which provide that if any action is taken under the clause the person shall be given an opportunity to show cause why the proposed action should not be taken against him. Sri N. K. Mukherjee appearing for the Dock Labour Board has urged that clause 45 subclause (6) of the 1956 Scheme and clause 14 sub-clause (6) of 1957 scheme apply in the case of misconduct but in the present case there was no misconduct against the Dock Labour Board or the Registered employers committed by the workmen concerned, but it was a case where the workmen had been detained under the D.I. Rules for a indefinite period and were unable to discharge their duties as registered or listed workmen or as a clerk of the Board, and there was a failure of the contract of service, and therefore after a reasonable period the Board was entitled to treat these workmen as having abandoned their services. In this connection Sri Mukherjee has referred to two Supreme Court decisions, 1957 I LLJ 226 (*Burn & Co. v their employees*) and 1958 I LLJ 260 (*Indian Iron and Steel Co. Ltd. v their workmen*). In the first of these cases, the Supreme Court dealt with the case of one Ashimananda Banerjee who had been detained under the Defence of India Rules and released after about 3 months; the company without drawing up any chargesheet or holding any enquiry terminated his service. The Supreme Court held that the termination of service even without a domestic enquiry was in order, as it was difficult to see what purpose would be served by a formal charge and what conceivable answer could be given by the workman concerned, the misconduct urged being continued absence for more than 10 days without leave. In the second case where a number of workmen were arrested by the Police and detained in jail for several months, their discharge without any formal chargesheet or enquiry was held to be in order in accordance with a provision of the Standing orders of the company under which any person absent for over 14 days without leave was liable to be discharged from service. In a subsequent case however relating to some workmen of Calcutta Dock Labour Board, the Supreme Court has taken a different view, viz. 1965 II LLJ 112, *Calcutta Dock Labour Board v Jafar Imam*. Jafar Imam and some others had been detained under the Preventive Detention Act and kept under detention for several months. After they had been released the Dock Labour Board commenced disciplinary proceedings against them and notices were served on them to show cause why their services should not be terminated on 14 days' notice in terms of clause 36(2)(d) of the Calcutta Dock Workers (Regulation of Employment) Scheme 1951, corresponding

to clause 45(5)(d) of the 1956 Scheme. The principal ground stated in the notices was that the workmen had been detained for acts prejudicial to the maintenance of public order. The workmen showed cause but the cause shown was not considered sufficient, and they were discharged with 14 days' wages as notified. The Supreme Court held that the Dock Labour Board which was a Statutory authority was not entitled to act merely on the basis of the detention order passed by the Government, but that the authority should have led evidence against the concerned workman to show that he had been guilty of some misconduct, and given reasonable opportunity to the workman to lead evidence in defence and then come to a decision of its own. The Supreme Court held that the order discharging the workmen had been passed on the basis of suspicion only because of the detention under the Preventive Detention Act and therefore the orders were held to be invalid. The order of the Calcutta High Court setting aside the orders of termination of service was upheld by the Supreme Court. Shri Mukherjee has sought to distinguish this case by observing that in the case of Jafar Imam and others the Dock Labour Board had acted under clause 36 of the 1951 Scheme, corresponding to clause 45 of the 1956 scheme, and was therefore bound under the clause 6 of the scheme to give reasonable opportunity to show cause; but the orders against 5 of the workmen concerned in issue No. 1 had been passed on the authority of the earlier Supreme Court decisions, namely, *Burn & Co. v. their employees* and *Indian Iron and Steel Co. v. their workmen*, which cases were not considered in 1965 II LLJ 112, as the Supreme Court had to deal with the validity of the disciplinary action taken under the terms of the appropriate clause of the scheme. But the principle laid down by the Supreme Court in *Calcutta Dock Labour Board v. Jafar Imam*, 1965 II LLJ 112, namely that after a citizen has suffered loss of liberty after being validly detained his detention order should not be utilised for depriving the citizen of his livelihood, must be deemed to hold good in the present case. In *Burn & Co.'s* case and *Indian Iron and Steel Co.'s* case the Supreme Court had to deal with the summary orders of discharge for termination of service in the light of provisions under the Standing Orders that service of a workman could be terminated for 14 days continuous absence or that continuous absence for 10 days or more constituted a misconduct for which there could be an order of dismissal. It does not appear that the Dock Labour Board has any such provision that for absence for a certain period involving unavailability for work, a workman may be removed from the appropriate register or list or may be served with an order of discharge. Clause 11(b) provides that the Administrative body may remove from any register or record the name of any registered worker, but this has to be done either at his own request or in accordance with the provisions of the Scheme. In the present case the removals were not at the request of workmen concerned. Therefore, the Administrative body could remove them only in accordance with the scheme, and the scheme contains no other provisions for removal except the procedure in clause 45 for registered workers and clause 14 for listed workers. It has already been stated that the schemes do not contain any provision that for absence for a period a workman may be removed from the register or list. In paragraph 5 of the written statement, the Dock Labour Board stated that the work of the Board suffered due to the continued absence of the men detained, and so the Board removed their names. Shri Sen Gupta has challenged this reason, and has stated that there were sufficient workmen in each category to carry on the work. In this connection, some statements have been proved. It is not necessary to discuss them in detail; the conclusion may be stated that in some categories, the work did not suffer at all, and in some categories, double bookings were necessary. But even if the Board was inconvenienced by the absence of the men, that would not, in the absence of any specific provision for removal for continued absence, entitle the Board to remove the names summarily. Shri Mukherjee has spoken about the contract of service becoming incapable of performance. This reason has been considered sufficient when the workmen because of physical debility becomes incapable of performing his work. I do not think that in the face of the Supreme Court ruling in Jafar Imam's case, that argument can be accepted in the case of men detained under the D.I. Rules. Hence, it must be held that the removal from the register or the list or the discharge in the case of the U.D. clerk, even though approved by the Dock Labour Board at a meeting, was unjustified and therefore the 5 workmen concerned are entitled to be put back in their respective places.

9. As regards Siddique Khan and Sk. Babu, it has been pointed out that their names were never removed from the list and they were permitted to join as soon as they came back after comparatively short detentions. Accordingly, the union was wrong including their cases in the dispute raised. It has been urged by Sri Sen Gupta that they are also concerned because there is a claim for back

wages for the period that the men had been kept out of work because of the wrong order of discharge or removal from the list made by the Administrative office, and approved by the Board. But the issue as framed does not cover the case of back wages or emoluments in the case of a workman in respect of whom no question of reinstatement arises. The issue reads, "whether the demand for reinstatement of the following workmen is justified and if so to what relief if any, they are entitled". If there is no question of reinstatement because there was no discharge or removal from the list, the question of relief also does not apply. Moreover, for the period during which they were kept under detention, certainly the workmen are not entitled to any remuneration. Siddique Khan and Sk. Babu were permitted to join as soon as they came back after being released. Hence in their case, even apart from the terms of reference, the question of back wages cannot arise at all. In the case of other registered and listed workmen whose names were removed, they are all daily rated workers, and their wages together with the appropriate percentage as levy are realised from the registered firms of employers when the workers are booked for any job. Since their release, the 4 registered or listed workmen concerned, namely Ahad Khan, Jitendra Nath Das, Noor Mohammad and Mohd. Ismail have been assigned to no job on the requisition of any registered or listed employers and accordingly no wages for them have been realised. Further, the action of the Dock Labour Board in removing their names must be considered *bonafide*, because they were absent for a long time and the period of their detention was indefinite and the Board had obtained legal advice which was *prima facie* based on the earlier Supreme Court Rulings, viz., Burn Co.'s case and Indian Iron and Steel Co.'s case. I find no substance in the suggestion that the Board did not like the Dock Workers' Union, and removed the men as they were members of that union. In the circumstances, I do not think that the Board should be burdened with wages which these men might have earned during the period of non employment. They should be taken back on the list or register within a month from the date of publication of the award, but they should be treated as on leave without pay for the period for which they were not assigned to any job, whether because of detention or because of the order of removal of their names. Though the case of Aftab Alam who was a clerk employed by the Dock Labour Board is somewhat different, I do not think that any distinction should be made between his case and the case of the others. He should also be treated as on leave without pay for the period of his non employment including the period of detention in jail.

Issue No. 2

10. The wages of monthly workers as well as of daily rated workers have been fixed by the Board from time to time. The previous rates of monthly and daily rated workers are quoted in paragraph 258 of the Report of the Dock Workers (Regulation of Employment) Enquiry Committee 1955, from which an extract has been given in the written statement of the union. It appears that in 1953 when the workmen were registered for the first time the Dock Labour Board accepted the prevailing rates of wages and dearness allowance as paid to the different categories of daily rated workmen, and fixed monthly wages on an *ad hoc* basis. The rates of daily wages and of monthly wages were then as follows:—

(i) Reserved pool

Category		Basic per shift.	Dearness Allowance per shift.	Total.
Sirdar	Day	5-0-0	3-4-0	8-4-0
	Night	5-13-0	3-4-0	9-1-0
Mate	Day	3-0-0	3-4-0	6-4-0
	Night	3-9-0	3-4-0	6-13-0
Khamali's I & II	Day	2-8-0	3-4-0	5-12-0
	Night	2-15-0	3-4-0	6-3-0
Khamalis II & III	Day	2-1-0	3-4-0	5-5-0
	Night	2-7-0	3-4-0	5-11-0
Rolias I & II	Day	1-9-0	3-4-0	4-13-0
	Night	1-15-0	3-4-0	5-3-0
Rolias III	Day	1-8-0	3-4-0	4-12-0
	Night	1-12-0	3-4-0	5-0-0

Category		Basic per shift.	Dearness allowance per shift	Total
Winchman	Day	2-8-0	3-4-0	5-12-0
	Night	3-8-0	3-4-0	6-12-0
Deck Foreman	Day	8-0-0	3-4-0	11-4-0
	Night	9-0-0	3-4-0	12-4-0
Hatch Foreman	Day	5-0-0	3-4-0	8-4-0
	Night	6-0-0	3-4-0	9-4-0

(ii) Monthly Workers

Category	Basic Pay	Dearness Allowance	Total
Sirdar	100/-	55/-	155/-
Mate	80/-	55/-	135/-
Kamalia I	70/-	55/-	125/-
Kamalia II	70/-	55/-	125/-
Kamalia III	60/-	55/-	115/-
Kamalia IV	60/-	55/-	115/-
Rolia I	58/-	55/-	113/-
Rolia II	55/-	55/-	110/-
Rolia III	55/-	55/-	110/-
Winchman	80/-	55/-	135/-
Deck Foreman	215/- (inclusive of DA)		215/-
Hatch Foreman	160/- (inclusive of DA)		160/-

It is clear from the above list that the wages of monthly workers of different categories were not fixed by multiplying the daily rate by the identical number of days. In the case of the Sirdar the basic monthly wage was only 20 times the daily rate of the Sirdar (day-shift) whereas in the case of the Rolia the basic wage fixed was more than 30 times the basic daily wage. This anomaly is partially reduced by the fact that the dearness allowance for all these categories was the same, namely Rs. 3/4/- for the daily rated workers and Rs. 55/- for the monthly rated workers. But even taking the total remuneration into consideration the monthly wages for the Sirdar was the equivalent to 19 days' total wages of a Sirdar in the day shift, whereas in the case of Rolia it was equivalent to 24 days' total wages. It may be mentioned that in 1953 when the scheme came into operation for registered workers, each registered worker was given a guarantee of minimum of 12 days' wages, but the actual number of days for which the different categories of workers were booked varied widely and it appears that the monthly wages were fixed with an eye on the number of days' booking that a worker of a particular category might normally expect in a month. For the daily rated workmen the guarantee was raised to a minimum of 18 days wages with effect from October 1956 and a minimum of 21 days with effect from October 1957. Both the daily rates and the monthly rates were revised upwards from time to time. Thus the element of dearness allowance shown in the rates quoted above was merged with the basic wages by a resolution of the Board adopted in October 1963. But an additional dearness allowance following the lead of the Central Government was given, the additional dearness allowance being increased from time to time in the footsteps of the Central Government. Further, the payment of attendance money for a day on which no job could be provided, which was Re. 1/- was raised to Rs. 1.50, and with effect from 1st May 1965 the daily rated workers were given the privilege of weekly off days with pay, i.e., they were to receive their daily wages for the weekly off day in addition to guaranteed minimum wages for 21 days work. The 4 classes of Khamalis and 3 classes of Rolias were reduced to one category of Khamalis and one category of Rolias, with effect from 1966. Further, on the recommendation of the Central Wage Board for Port & Dock Workers each worker got an interim relief of Rs. 11.80 per month. The existing rates of the Reserve pool workers who are

daily rated and of monthly rated workers of the different categories are shown below:—

Existing rates of Reserve Pool Workers

Category	Rates of wages		A. D. A. (per month)	Interim Re- lief (Per month)	Total wage with 21 days at day rate 4-off days & 5 attendan- ces.
	(Daily)				
	Day	Afternoon/ Night			
Sardar	8.25	9.06	110.00	11.80	335.55
Mate	6.25	6.81	90.00	11.80	265.55
Khamalias	5.75	6.19	90.00	11.80	253.05
Rolias	4.81	5.19	70.00	11.80	209.55
Winchman	5.75	6.75	90.00	11.80	253.05
Deck Foreman	11.25	12.25	110.00	11.80	410.55
Hatch Foreman	8.25	9.25	110.00	11.80	335.55

Existing rates of Monthly Workers

Category	Rates of wages	A. D. A.	Interim Re- lief	Total
Sardar	210.00	110.00	11.80	331.80
Mate	170.00	90.00	11.80	271.80
Khamalias	160.00	90.00	11.80	261.80
Rolias	143.00	70.00	11.80	224.80
Winchman	170.00	90.00	11.80	271.80
Deck Foreman	275.00	110.00	11.80	396.80
Hatch Foreman	215.00	110.00	11.80	336.80

By a comparison of the two tables it is clear that at present the monthly pay of a Sirdar and of a Deck Foreman is less than the total wages which a Sirdar and a Deck Foreman respectively of the Reserve pool gets on the basis 21 guaranteed days' wages, 4 off days wages and attendance allowance for 5 days. The pay of the monthly worker of the other categories namely, Mate, Khamalia, Rolia, Winchman and Hatch Foreman is more than the total wages of these categories of workers in the Reserve Pool with 21 guaranteed days' wages, 4 off days' wages and 5 days with attendance allowance. In the case of the Sirdar the basic pay of the monthly worker comes to between 25 and 26 days' daily wages. For a mate the basic pay of the monthly worker is approximately 27 days wages at the daily rate; for Khamalis it is equal to nearly 28 days and for the Rolia it is nearly equal to 30 days basic wages. For the Deck Foreman and the Hatch Foreman the basic pay is equivalent to about 24½ and 26 days basic wages respectively. Thus, as in the beginning the monthly pay fixed is not a uniform multiple of the daily rate; clause 42(6) of the 1956 scheme provides that a worker on the monthly register shall draw wages on a calculated daily time rate basis for the days for which he is entitled to payment but is not allotted any work. This rule is not happily worded; for a worker on the monthly register will in any case draw his monthly pay whether or not he has work on every day of the month. The rule is apparently intended for calculating the monthly pay with reference to the daily wage rate. Clause 29(2)(c) provides that normally a monthly worker shall not be employed for more than 6 shifts in a week, i.e., normally he should be employed for 6 shifts or 6 days in a week with one shift per day. Therefore during a month except for 4 weekly off days he may be employed for 26 days and he should therefore receive wages for 26 days whether or not he has worked for every one of the 26 days. In addition, although the scheme did not provide it, the Reserve Pool workers are being given wages for 4 weekly off days, in addition to the wages for 21 days guaranteed days, and attendance allowance for the remaining days of the month. The Reserve Pool workers may have work for 26 shifts, sometimes more, in a month, in which case they earn more than 30 days' wages in a month. So the monthly workers are also entitled to the pay for the weekly off days.

11. It has already been shown that the present monthly basic pay is equivalent to 24 to nearly 30 days wages at the day rate; the additional dearness allowance and the interim relief which are paid on a monthly basis are common to both categories of workmen. It is therefore not possible to return the same answer in respect of different categories of monthly workers to the question whether or not their monthly pay includes the pay for the weekly off days. In some cases it does but in some cases it does not and the workmen are, therefore, entitled to have their wages brought upto the required level, i.e., the basic pay in each case should be calculated on the basis of 30 days at the day shift wage rate (26 days for work and 4 days for weekly off days).

12. On behalf of the Dock Labour Board and the Associations it has been urged that the monthly rated workers enjoy certain additional benefits which were taken into consideration in fixing their monthly pay; the monthly workers have guaranteed employment at the monthly rate throughout the month whereas no such guaranteed employment throughout the month is assured to the Reserve Pool workers; and the Reserve Pool workers have to attend at the Call Stand daily for obtaining their assignment for the day whereas the monthly paid workers are sent direct to their place of work by employers. They are also not required to work in the night shift. There is no doubt that the monthly paid workers enjoy the advantage that they do not have to go daily to the Call stand to get their assignment or work in the night shift. But as regards the other point, in view of the adoption of 21 days guarantee and payment for 4 off days and the attendance allowance for the remaining days, it is no longer true that the Reserve pool workers have no guaranteed employment throughout the month. They are now assured pay for practically the whole of the month whether there is enough work or not. It has also been urged on behalf of the associations that with the additional dearness allowance and the interim relief, the workmen of these categories are highly paid, and it is not necessary that their wages should be further increased. It is true that these categories of workmen are fairly highly paid; in their case the interim relief recommended by the Central Wage Board for Port & Dock Workers was hardly necessary; but the fixation of pay for the monthly worker for the whole month including the weekly off days is a matter of principle, and since the wages of the Reserve Pool workers have been fixed as indicated before, by the order of the Dock Labour Board, it is necessary that the pay of the monthly workers should be brought upto the required level so as to be equivalent to 30 days' wages per month and thus include the element of pay for the weekly holidays. I therefore hold that the workers of these categories are entitled to the following pay and that they should be paid at that rate from the 1st of the month following the publication of the award;

Category	Basic pay	A.D.A.	Interim relief	Total
Sirdar	247.50	110	11.80	369.30
Matc	187.50	90	11.80	289.30
Khamajia	172.50	90	11.80	274.30
Rollia	144.30	70	11.80	226.10
Winchman	172.50	90	11.80	274.30
Deck Foreman	337.50	110	11.80	459.30
Hetch Foreman	247.50	110	11.80	369.30

The fixation has been made on the basis of the day-shift wage rates. The monthly workers are also liable to work in the afternoon shift, though not in the night shift; in view of the advantages they enjoy, it is proper that the monthly pay should be fixed on the basis of the day-shift rate of wages.

Issue No. 3

13. The union has claimed mooring allowance for winchmen when they have to work in ships at mooring. It appears from the evidence of PW 1-Sukhada Ranjan Das, winchman that in a month he has to work from 5 to 10 days in ships at mooring and the remaining days in ships at berths. Altogether he gets 6 or 7 shifts per week or 26 to 30 shifts per month. He stated that at Bombay there is a mooring allowance of Rs. 1/4/- per shift paid to a winchman when he has to work in a ship at mooring. But the evidence is based on hearsay evidence and the union did

not produce any reliable documentary evidence to show that the winchmen at Bombay are being paid such a mooring allowance. The mooring allowance has been claimed on two grounds: firstly, because the workman undergoes some risk when travelling by dinghee from the shore to the ship at mooring and back again and secondly, because the winchman has to work more carefully when the ship is at mooring so that the goods may be unloaded into a lighter which may be in an unsteady condition owing to the current or the waves of the river as compared with working when the ship is at a berth, when the unloading has to be done on the shore. As regards the risk involved, however, it is incurred not only by the winchmen but by all the gang men who have to do the work of loading and unloading when the ship is at mooring. There may be 1100 or 1200 workmen working in the ships at mooring on any particular day and of them 150 or 200 may be winchmen as the evidence has shown. The dinghees are supplied by the Registered Employers and are also paid for by the Registered Employers. It has not been stated that there has been any case of fatal accident when the workmen are crossing over by dinghee. In the circumstances, this is no ground for holding that winchmen incur any particular risk. As regards the second reason given, it appears from the evidence of MW 1-N. K. Ghose, an Assistant Administrative Officer of Dock Labour Board that among the gang workers there is a category of worker known as Signalmen, and he gives signal for the movement of the derrick operated by the winchmen, and therefore it does not require more concentrated attention on the part of the winchmen when they have to unload into a lighter than when they have to unload on the shore. I must agree that in view of the winchman's work being guided by a signal man, the argument that it requires more concentrated attention for unloading goods into a lighter becomes untenable. The practice at Bombay has been urged by Sri Sen Gupta. I have already mentioned that the practice at Bombay has not been legally proved. Even assuming that there is a system of a mooring allowance at Bombay for winchmen, the conditions at Bombay are different. Firstly, at Bombay the ships are moored at Sea and not in a river as in Calcutta, and secondly, at Bombay the Dock Labour workers work under the incentive piecerate scheme like the shore labour while at Calcutta, dock labour refused to work under the incentive piecerate scheme, preferring the time rated system under which they earn more. If the dock labour at Calcutta are not willing to accept the system of incentive piecerate under which the Bombay dock labour work, they cannot also claim the advantage of any additional allowance that the Bombay dock labour may get for particular types of work. I hold therefore that the demand for a mooring allowance for winchmen is not justified.

Issue No. 4

14. Slicemen and chamchias are sub-categories of salt workers which is one of the categories into which listed dock workers have been classified. The schedule to the unregistered Dock Workers (Regulation of Employment) Scheme, 1957 mentions 3 categories, (i) Chipping and painting workers, (ii) Salt workers and Stickers and baggers and (iii) Workers employed in vessels for coal stevedoring and coal bunkering. These 3 classes have been divided into 6 categories under clause 9A(2) of the scheme, viz. (a) Chipping workers, (b) Painting workers, (c) Baggers, (d) Stickers, (e) Salt workers (f) Workers employed on vessels for coal stevedoring and coal bunkering work. Salt when booked in bulk tends to form rock like lumps. The work of slicemen is to break the chunks of salt in salt ships with crowbars. The work of chamachias is to shovel the broken salt into baskets. They are not always salt ships requiring unloading at Calcutta port. According to the evidence of MW 1, in one month there may be no salt ship at all whereas in another month, there may be 4 or 5 salt ships. In the written statement of the Calcutta Dock Labour Board, it has been stated that during September, October and November 1966 there were only 2 salt ships per month in which the salt workers could be employed, and that if Slicemen and Chamachias were to be booked on salt ships only their services could be utilised only for 11 or 12 days per month although there is a guarantee for paying a minimum of 18 days' wages to all listed workers including slicemen and chamachias. There is a provision in both the schemes that workmen listed in one category may be put to work in any other category. Clause 12(4)(b) of the 1957 Scheme provides that a listed workers is under the obligation to accept any employment whether in the category of sub-category in which he has been listed or in any other category or sub-category for which he is considered suitable by the Administrative body. There is a similar provision for registered workers in clause 37(4)(b) of the 1956 scheme. Though slicemen and chamachias are sub-categories of salt workers and though salt workers, stichers and baggers were originally under the same class according to

schedule, the daily rates of pay fixed by the Board are not equal. The rates of pay are as follows:—

	Day	Afternoon/Night
Bagger ..	4.75	5.-
Sliceman ..	5.75	6.-
Chamachia ..	5 12	5.37

The slicemen and chamachias according to the present practice are booked for work in salt ships first, then in food ships as baggers if there is no work in salt ships, and lastly, in bulk cargo ships carrying fertiliser and sulphur. The chamachias and slicemen generally object to work in food ships as baggers; particularly they object to work at the lower rate of pay for baggers. Their claim is that they should be booked for work first in salt ships, and if salt ship is not available then in fertiliser and sulphur ships, and only lastly in food ships provided that while working as baggers they are paid wages applicable to their own sub-category.

15. Regarding salt workers, baggers and stitchers, there was an agreement, Ext G on 9-3-1965 between the Master Stevedore Association and the Calcutta Stevedores Association representing the employers and the National Union of Dockers and Dock Mazdoor Union representing the workmen. Under the terms of the agreement, subject to the implementation of the incentive tonnage scheme framed by the Ministry of Labour and Employment, Government of India, the Board might pay a listed salt workers, stitchers or baggers a minimum guarantee wages appropriate to his category in the manner prescribed in the incentive tonnage scheme for a minimum of 18 days in a month subject to certain conditions. Under the incentive tonnage scheme, salt workers booked as baggers were to be paid a minimum daily wage of Rs 4.75 equivalent to the daily wage of a bagger, but according to the quantity of foodgrains unloaded the total earnings per gang would be calculated and wages of individual bagger derived therefrom, the rates being as follows:

Stage	Rate for Metric ton	Total earning.
A	65 paise	Upto 100 tons.
B	75 paise	Above 100 tons but upto 150 tons.
C	85 paise	For all quantities above 150 to ns.

The rate table was processed at the level of daily wage of Rs. 4.75 on an 8 hour shift i.e. by landing upto 100 tons the gang members would earn the daily wage of Rs. 4.75, but the earning of the gang members would increase for landing above 100 tons. It was however suggested to MW 1 that this incentive tonnage scheme for foodgrains did not prove satisfactory in actual working, and in cross examination MW 1 was challenged to produce statements showing the earning of baggers under the incentive piece-rate scheme; no such statement was produced, but that is no reason for holding that there is no such scheme. Though by working under the incentive piece-rate scheme for foodgrains the earning of a sliceman and chamachia may rise above the rate for their own sub-category, the sliceman and chamachias are not willing to be bound by the agreement any longer; and on their behalf, the Dock Workers Union gave notice of termination of the agreement, vide Ext. 11 on 24-5-1966. It has been suggested on behalf of the associations that the notice is not a valid notice of termination under Sec. 19 of the Industrial Disputes Act, as the Dock Workers Union was not a party to the agreement. But the agreement was made in the course of conciliation proceedings before the R.L.C., Central, Calcutta, and therefore under Sec. 18(3) the settlement was binding on all the workmen. Under the previous Dock Labour Board constituted in 1962 there was no representative of the Dock Workers Union among the 5 labour representatives, because the Dock Workers Union did not then have sufficient membership. But the Dock Workers Union acquired a substantial membership during 1965-66 and in the present Dock Labour Board reconstituted in April, 1967 the Dock Workers Union has obtained 2 representatives out of 5 labour representatives. It was the Dock Workers Union which brought about a strike among the dock workers from 24th September 1966. It was partly to settle the strike that the Chairman of the Dock Labour Board agreed to refer several demands raised by the Dock Workers Union

to adjudication. The notice of termination of the agreement was given on 24th May 1966 i.e. more than 2 months before the strike. Reference to adjudication was made within a few days thereafter i.e. on 29-9-1966. Since the agreement was binding on all the workers, and a considerable body of workers including the salt workers have now become members of another union, the Dock Workers Union, I must hold that Dock Workers Union even though not a party to the agreement, Ext. G, are entitled to give notice of termination thereof. Accordingly, the notice is valid and the agreement is no longer binding. As regards the first question of the issue, namely whether slicemen or chamachias should be booked for any other work, it is not denied even by the union that the answer should be in affirmative. The union does not want that the slicemen and chamachias should not be booked for any other type of work. They want firstly, that when there is no work in salt ships they should be booked in sulphur ships and fertilizer ships where the work is somewhat similar to that of salt ships, and only thereafter in food ships, and secondly, that when working as baggers in foodships they should be given their own sub-category rate of pay. It is admitted on behalf of the Dock Labour Board that in respect of registered workers, when a worker of a category with a high daily rate of wages is booked for work in any other category with a lower rate of wages, he is permitted to draw the rate of wages of his own category. Shri Mukerjee on behalf of Dock Labour Board has stated that there is a distinction between the scheme of the registered workers and listed workers, and that listed workers are not entitled to the privileges of the registered workers. I do not however think that there should be any such discrimination in the matter of payment to workers of a category booked to work in another category where the daily rate of wage is lower. The schemes themselves only provide that a workman of a particular category may be booked to work in another category or sub-category. The schemes are silent as to the rate of wages which shall be payable to such workmen deputed to work in any other category. The practice as regards the registered dock workers being admitted, I think that the same should be followed and the claim of slicemen and chamachias conceded, with the proviso that if the incentive piece-rate scheme is applied to the bagging of food-grains, the processing at the level of daily rate of Rs. 4.75 for 8 hours shift will continue but if the wages worked out for a particular shift come to a figure lower than the wage rate of slicemen and chamachias, the slicemen and chamachias should be paid at the wage rate applicable to their sub-categories.

16. My AWARD therefore is as follows:—

(1) There is no dispute regarding No. 3-Siddique Khan and No. 7-Sk. Babu. So far as 5 remaining workmen are concerned, namely (1) Ahad Khan, (2) Jitendra Nath Das, (4) Noor Mohammad, (5) Mohd. Ismail and (6) Aftab Alam, the orders removing their names from the register or the list and the order of discharge passed in respect of the clerk employed in the Dock Labour Board are set aside and it is ordered that these men be reinstated in their respective places within one month from the date of the publication of the award. These men will be treated as 'on leave without pay' but without any break in the continuity of their service during the period of detention and from the date of removal order to the date of reinstatement.

(2) The existing wages of monthly workers include an element of wages in respect of the weekly days of rest in some cases, but not in all cases. Accordingly, the existing wages of the monthly workers are revised as follows with effect from the first of the calendar month next following the publication of the award:—

Category	Basic pay.	A. D. A.	Interim Re- lief.	Total
	Rs.	Rs.	Rs.	Rs.
Sirdar	247.50	110	11.80	369.30
Mate	187.50	90	11.80	289.30
Khamalia	172.50	90	11.80	274.30
Rollia	144.30	70	11.80	226.10
Winchman	172.50	90	11.80	274.30
Deck Foreman	337.50	110	11.80	459.30
Hatch Foreman	247.50	110	11.80	369.30

(3) The demand for mooring allowance for winchmen in addition to their present emoluments is not justified and the demand is rejected.

(4) Silcemen and Chamachias will be booked for other types of work, but when no work in salt ship is available they should be booked first to the Sulphur ships and Fertilizer Ships if available, and thereafter as baggers in food ships, but while working as baggers they will be entitled to draw the wage scale attached to their own sub-categories, subject to the proviso that when baggers work under an incentive piece-rate scheme, the silcemen and chamachias will share in the higher earnings only after the average earning per bagger has risen above their respective sub-category wages.

(Sd.) S. K. SEN,

Dated, 13th September 1967.

Presiding Officer.

[No. 28/136/66-LRIV.]

S.O. 3651.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to Messrs C. Laurie and Company, Calcutta and their workmen which was received by the Central Government on 23rd September, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 152 of 1966

PARTIES:

Employers in relation to Messrs C. Laurie & Company, Calcutta,

AND

Their workmen

PRESENT:

Shri S. K. Sen, Presiding Officer

APPEARANCES:

On behalf of Employers—Shri P. K. Sen Gupta.

On behalf of Workmen—Shri H. L. Roy.

STATE: West Bengal

INDUSTRY: Dock & Port.

AWARD

By Order No. 28(116)/66-LRIV dated 25th November 1966, the Central Government referred for adjudication an industrial dispute between the employers in relation to Messrs C. Laurie & Company, Calcutta and their workmen in respect of the matter specified in the following schedule:

“Whether, having regard to the nature of the duties performed by them, the watchmen (annexure A) employed by Messrs C. Laurie and Company, Calcutta are entitled to interim relief and D. A. recommended by the Central Wage Board for Port & Dock Workers at Major Ports and, if so, from what date?

ANNEXURE “A”

1. Sri Surab Khan
2. Sri Lal Bahadur Newar
3. Sri Narayan Das.
4. Sri Jit Bahadur Gurung.
5. Sri Prem Bahadur
6. Sri Purna Bahadur Dwarjee
7. Sri Bhim Bahadur Newar
8. Sri Dil Bahadur Chatri
9. Sri Jamurali Hossain
10. Sri Gorakh Singh
11. Sri S. B. Rana
12. Sri R. N. Prodhan
13. Sri Bal Bahadur Rana
14. Sri Kharka Bahadur
15. Sri Nar Bahadur Tamang
16. Sri Tara Singh
17. Sri Ram Bahadur Newar
18. Sri Satya Seal
19. Sri Lal Bahadur Lama
20. Sri Dal Bahadur Semor

21. Sri Dil Bahadur Limoo
22. Sri Pabitra Karmakar
23. Sri Nani Gopal Paul
24. Sri Ramani R. Das
25. Sri Til Prosad
26. Sri Moti Singh
27. Sri Md. Jewat Khan
28. Sri Mountaz Khan
29. Sri Dal Bahadur Newar
30. Sri Ramna Das
31. Sri Md. Yakub
32. Sri Karna B. Gurung
33. Sri Gouranga Dey
34. Sri Amulya Poddar
35. Sri Ranjit Mistry
36. Sri Jotirmoy Roy

2. The 36 watchmen on the roll of Messrs C. Laurie and Company, Calcutta are represented by the Shipping Employees Union. According to the case of union the watchmen are supplied to shipping companies for guarding the cargo and other property on board the ship during the process of loading and unloading and they are also deputed sometimes to keep watch on the Port Commissioners' cargo godowns and yards. The union claims that the watchmen are dock workers and are entitled to the benefit of the two interim reliefs and the dearness allowance recommended by the Central Wage Board for Port and Dock Workers. They have claimed that an award be made directing the management to pay D.A. at the rate of Rs. 7.50 with effect from 1st October, 1964, the first interim relief of Rs. 7.80 with effect from 1st February, 1965 and the second interim relief of Rs. 4 with effect from 1st August, 1966.

3. The management has opposed the claim, asserting that the watchmen are not dock workers, and that in any case it has not been specifically set out by the Central Wage Board for Port and Dock workers that the watchmen employed in the Port area are entitled to the benefit of the interim recommendations and that in the circumstances the relief sought cannot be granted to the watchmen. The employers in the written statement has also raised the point that the reference is not maintainable as the reference does not cover all the watchmen employed in the port area.

4. As regards the last objection, it may be mentioned atonce that a general reference including watchmen and several other categories of workers was made by the Central Government being Reference No. 149 of 1966. Even apart from the general reference, a reference limited to the watchmen employed by a particular firm is also maintainable. There is, therefore, no substance in this objection.

5. As regards the question whether the watchmen are or are not dock workers as defined in sec. 2(b) of the Dock Workers (Regulation of Employment) Act, 1948, both sides have referred to the award made by Shri G. Palit in Reference case No. 27 of 1959 of the Central Government Industrial Tribunal, Dhanbad, in which the daily rate of wages and the claim for uniform, paid holidays, leave with pay, etc. were adjudicated. In paragraph 5 of his award Shri Palit observed that these watchmen could well be said to be dock workers as understood under the Act. But under Issue No. 5 Sri Palit expressed the opinion that the watchmen are not dock worker observing that the dock workers stood, on a different footing, and merely became watchmen and the dock workers work in the same place it cannot be accepted that their conditions of service must be similar.

6. It is however not necessary to resolve the apparent discrepancy or to decide finally the question whether or not watchmen are dock workers within the meaning of Sec. 2(b) of the Dock Workers (Regulation of Employment) Act, 1948. The Government notification appointing the Central Wage Board for Port and Dock Workers comprises not merely dock workers as defined in the Dock Workers (Regulation of Employment) Act, 1948 but also the employees engaged by listed employers and by several other categories of employees. The first interim recommendation of the Wage Board contained in Appendix to Government Resolution No. WB 21(13)/65, dated 27th April, 1965 further sub-divides the categories of workers whose conditions of service were within the terms of reference of the Central Wage Board. It also contains category D reading "employees engaged by listed employers". Messrs C. Laurie & Company are

admittedly listed employers and the watchmen are employees engaged by them. They are supplied to different shipping companies for work as watchmen or darwans but they are paid according to the number of shifts worked by Messrs C. Laurie & Company. Messrs C. Laurie & Company also are liable to supply 2 sets of uniforms per year to these watchmen and to give 3 paid holidays and 15 days' leave with pay on condition that the workmen had done 240 shifts within a calendar year. It is clear, therefore, that the watchmen are employees of Messrs C. Laurie & Company and therefore they come under clause D of the Appendix to the Government Resolution mentioned above. They are therefore entitled to the benefits of the interim recommendations.

7. Next, there is the question of date when the management should be asked to give effect to the recommendations. The Wage Board recommended that the dearness allowance of Rs. 7.50 should be payable from 1st October, 1964 to employees who are being paid consolidated wages, as the watchmen are being paid; according to Shri Palit's award the daily wage rate is a consolidated rate consisting of basic pay and dearness allowance. The Central Wage Board also recommended that the interim relief should be payable from 1st February, 1965. By the second interim recommendation Rs. 4 was recommended to be paid from 1st August, 1966. The recommendation is not however immediately binding on the employers. Government in their resolution requested the concerned employers to implement the same as early as possible and not from the date recommended by the Wage Board. Shri H. L. Roy appearing for the union has pointed out that the watchmen filed an application before their employers for giving effect to the first interim recommendation of the Wage Board, by a joint petition dated 22nd July, 1965 *vide* Ext. 1. He has also urged that some other firms employing watchmen on similar terms have already started paying the interim relief and dearness allowance to their watchmen. He has therefore urged that the amount should be made payable from the original dates recommended by the Wage Board. But giving a retrospective effect of nearly 3 years in the case of dearness allowance and over 2 years in the case of interim relief would cast a heavy burden on the employers. Shri P. K. Sen Gupta for the employers has urged that if the relief is granted to the watchmen at all, it should be made payable from the date of the award. Considering the conflicting claims, I think it would be equitable to give effect to the interim recommendations i.e. make the award effective with effect from 1st April, 1967 i.e. the first date of the present financial year.

8. My award therefore is that the watchmen named in the Annexure A of the Schedule and employed by Messrs C. Laurie and Company, Calcutta, are entitled to the interim relief of Rs. 11.80 and dearness allowance of Rs. 7.50 recommended by the Central Wage Board and that the employers must pay the same with effect from 1st April, 1967.

Dated 19th September, 1967.

(Sd.) S. K. SEN,
Presiding Officer.

[No. 28/116/66-LRIV.]

S.O. 3652.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to (1) Masters Stevedores Association and their members (2) Calcutta Stevedores Association and their members (3) Messrs C. Laurie and Company, Calcutta (4) Messrs H. D. Mukherjee and Company, Private Limited and their workmen which was received by the Central Government on 23rd September, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 149 OF 1966

PARTIES :

Employers in relation to :

1. Master Stevedores Association and their members.
2. Calcutta Stevedores Association and their members.
3. Messrs C. Laurie & Company, Calcutta.
4. Messrs H. D. Mukherjee & Company, Pvt. Ltd.

AND

Their workmen.

PRESENT:

Shri S. K. Sen—Presiding Officer.

APPEARANCES:

On behalf of Employers.—Shri S. S. Aiyar for Master Stevedores Association.

Shri B. C. Chatterjee for Calcutta Stevedores Association.

On behalf of Workmen.—Shri P. K. Ganguly for National Union of Waterfront Workers.

Shri H. L. Roy for Shipping Employees Union.

Shri A. Azad, Calcutta Dock Workers Union.

STATE : West Bengal

INDUSTRY : Port & Dock

AWARD

By Order No. 28(119)/66-LRIV, dated 19th November, 1966, the Central Government referred for adjudication an industrial dispute between the employers in relation to (1) Master Stevedores Association and their members, (2) Calcutta Stevedores Association and their members, (3) Messrs C. Laurie & Company, Calcutta, (4) Messrs H. D. Mukherji and Company Private Limited, Calcutta, and their workmen in respect of the matter specified in the following schedule :

“Whether the following categories of workers under the employment of different stevedores or listed employers are entitled to get the interim relief and dearness allowance as recommended by the Central Wage Board for Port and Dock Workers. If so, from what date ?

- (i) Supervisors.
- (ii) Assistant Supervisors.
- (iii) Attendance clerks.
- (iv) Table staff (such as ships clerks, Boat Inspectors, Sorting Clerks, Measurement Clerks, Plan-makers).
- (v) Riggers.
- (vi) Cleaning workers.
- (vii) Marksmen.
- (viii) Carpenters.
- (ix) Gear workers.
- (x) Watchmen.
- (xi) Indoor staff (such as office clerks, peons, drivers etc., attached to office of stevedors or listed employers).

2. On behalf of workmen the National Union of Waterfront Workers mentioned in the order of reference filed a written statement. In addition, the Shipping Employees Union and the Calcutta Dock Workers Union were permitted to file written statements on their application for being added as parties and they were permitted to represent the workers alongwith National Union of Waterfront workers at the time of hearing. On behalf of employers, the Master Stevedores Association and the Calcutta Stevedores Association filed separate written statements. Other employers mentioned in the order of reference did not file separate written statement although Messrs C. Laurie and Company, Calcutta was represented by Sri P. K. Sen Gupta on some of the dates of hearing. To decide the question whether or not the different categories of workmen are entitled to receive the interim relief and dearness allowance as recommended by the Central Wage Board for Port and Dock Workers, it is necessary that the work done by the different categories of workers should be set out. A description of work by workmen of different categories has been given by the National Union of Waterfront Workers in paragraph 8 of its written statement. This description has been generally accepted as correct by both the associations of employers and is therefore set out here:

“(8) That the nature of work performed by the different categories of workmen as appearing in the schedule referred to above are shortly described as under:—

- (i) *Supervisors.*—They work on board the ships acting on behalf of their respective employers to supervise the entire stevedoring process connected with the ship.

- (ii) *Asstt. Supervisors*.—The job of Supervisors being very responsible, intensive and extensive, they are required to be assisted by able helpers in the persons of Asstt. Supervisors.
- (iii) *Attendance clerks*.—The attendance of workers of different categories who assemble on board the ships in every shift or otherwise, are maintained and recorded by the Attendance clerks.
- (iv) *Table Staff*.—Handling of cargo requires elaborate operative and paper work in order to facilitate loading unloading and movement of such cargo, and for the purpose a set of staff commodity known as "Table Staff" are employed. This broad category known as "Table Staff" includes many sub-categories some of whom have been mentioned in the schedule referred to above as "Ship's clerks", "Boat Inspectors", etc.
- (v) *Riggers*.—Loading and unloading of cargo from and to quay line or overside are usually done by cranes and derricks. These derricks are required to be adjusted from time to time for operation depending on the lifting and discharge points of cargo being handled at a time. The riggers are engaged for handling derricks for the purpose of such adjustments.
- (vi) *Cleaning workers*.—After the unloading of ships, they are required to be cleaned and prepared for the next process of loading. The workers employed in this context are known as "Cleaning Workers".
- (vii) *Marksmen*.—Marking of cargoes is an important and essential aspect of loading, unloading, movement and storage of cargoes. The workers employed for the purpose of marking are known as "Marksmen".
- (viii) *Carpenters*.—In the process of stevedoring work, cases, wooden or otherwise, carrying cargoes get damaged. To repair such damaged cases and thereby to maintain the unhindered movement of cargoes, carpenters are employed. (Carpenters also take off and refix partitions in the holds).
- (ix) *Gear Workers*.—Loading and unloading of ships are done with the help of implements known as Ships' gears. Workmen handling such gears are known as gear workers.
- (x) *Watchmen*.—The cargoes carried by ships are very valuable. In order to watch such cargoes so that the work of loading, unloading, movement and storage of cargoes can be carried on unhindered, watchmen are employed.
- (xi) *Indoor Staff*.—The staff of stevedoring firms can be broadly divided into two classes—indoor and outdoor. Indoor staff also contribute directly to stevedoring work by performing the various office work involved in the process of loading, unloading, movement and storage of cargoes. The category known as indoor staff includes many sub-categories some of whom have been mentioned in the schedule referred to above as office clerks, peons, etc.

3. All the unions have urged that the workmen mentioned in clauses (i) to (x) are dock workers and are therefore entitled to the benefit of the interim relief and dearness allowance; and as regards workmen mentioned in clause (xi) consisting of the indoor staff such as office clerks, peons, drivers, etc., attached to the office of stevedores or listed employers, the unions have urged that they come within the class 'employees engaged by the listed employers' mentioned in paragraph 3(iv) of the Government resolution No. WB-21(4)/64 dated 13th November, 1964, constituting and setting out the terms of reference of the Central Wage Board for Port and Dock Workers of which a copy is Ext. 1; and in category D of the interim recommendation of the Central Wage Board, appearing as an Appendix to the Government Resolution No. WB-21(13)/65/1 dated 6th May, 1965, a copy of which is Ext. 2. On behalf of the unions it has been claimed that the interim relief and the dearness allowance should be available to the workmen of different categories from the dates as recommended by the Central Wage Board.

4. On behalf of the associations it has been urged that the definition of the term 'dock workers' in the Dock Workers (Regulation of Employment) Act, 1948, is somewhat vague and therefore the associations made a reference to the Central Government for clarifying the point as to what categories of workers would come under the term 'dock worker'; but the Government in their reply did not give a clear definition by categories but only referred back to the definition of the term in the Dock Workers (Regulation of Employment) Act, 1948; and in the absence

of clear instructions from the Central Government as to who should be classified as dock workers, the members of the associations could not implement the recommendations of the Wage Board. According to the associations, the term 'dock worker' should only apply to persons brought under the decasualisation and listing schemes formulated by the Central Government for the Port of Calcutta i.e., it can apply only to the registered workers under the Dock Workers (Regulation of Employment) Scheme, 1956 and the listed workers in the unregistered Dock Workers (Regulation of Employment) Scheme, 1957, and other ancillary workers like those mentioned in the order of reference cannot be considered as dock workers and therefore they are not entitled to the benefit of the interim relief and dearness allowance recommended by the Central Wage Board for Port and Dock workers. Further, according to the associations, in respect of certain categories of workers e.g., table staff, supervisors, asstt. supervisors, attendance clerks, etc. disputes raised by them had been settled by awards of the Industrial Tribunals and the awards are still in force and have not been terminated by notice under Section 19(2) of the Industrial Disputes Act, and therefore there could be no dispute raised relating to these categories. Finally, according to the associations many of these categories of workers e.g. table staff, riggers, cleaning workers, watchmen, carpenters, gear workers and marksmen are engaged through contractors either on a consolidated rate or at agreed daily wages payable by the concerned contractor, and the stevedore firms or listed firms do not maintain registers for recording their attendance as they are not employees of the firms, and therefore there cannot be any order for implementing the recommendations of the Central Wage Board in relation to them.

5. The first point for consideration therefore is whether the workmen of the different categories are included in the class to which the interim recommendations of the Central Wage Board have been extended. With reference to the categories of employees mentioned in the Appendix of the Government Order, Ext. 2, Category A comprises employees of major Port authorities; category B, comprising dock workers as defined under Dock Workers (Regulation of Employment) Act, 1948, is divided into 5 sub-categories. Sub-categories 1 and 2 relate to registered and listed dock workers under the schemes of 1956 and 1957. The workmen concerned do not come under those sub-categories. Sub-categories 3 and 4 relate to employees in other ports Sub-category 5 deals with similar categories of employees as in item 1 and 2 whether they are covered under the scheme or not. Now categories of employees as in items 1 and 2 are as follows:—

Item 1.—Registered Dock Workers; (a) Dock Foreman (b) Hatch foreman, (c) Winchman (d) Sirdar (e) Mate, (f) Stevedore Mazdoor, (g) Rigger, (h) Tally clerk.

Item 2.—listed dock workers:

(i) Chipping and Painting workers.

(ii) Salt workers, stitchers and baggers.

(iii) Workers employed under vessels for coal stevedoring and coal bunkering work.

The workmen concerned in this reference include only one category coming within the above categories namely (v) Riggers. The reference is to riggers who have not been registered under the 1956 scheme; riggers who have been so registered have already got the benefits of the interim recommendations by the Central Wage Board for Port and Dock Workers. PW 7-Abdul Gaffar employed under Messrs K. B. Gorsia is such a rigger not registered by the Dock Labour Board. His evidence is that he is a casual worker paid at the rate of Rs. 2.50 for the morning shift and at the rate of Rs. 3 for the afternoon and night shifts. He has no dearness allowance; he gets his pay from a Serang under the Gorsia Company and it is from the Serang that he gets his order for duty for the day when there is any work. He could not say whether the Serang is engaged on a contract basis by Messrs K. B. Gorsia. His evidence tends to support the claim in the written statement of employers associations that some categories of workers like riggers are engaged under a contract system by the Stevedoring firms and are not employed direct by the firms. But in any case riggers are workmen falling within Category B(5) and so they are entitled to the benefits of the interim recommendations of the Central Wage Board.

6. Category C comprises employees engaged by the Dock Labour Board and their administrative bodies. Category D comprises employees engaged by listed employers. Shri P. K. Ganguly has urged that this class must include, apart from dock workers falling in one of the other clauses, the indoor staff consisting of the office clerks, peons, drivers, etc. mentioned in clause (xi) of the reference order.

Shri Aiyar on behalf of the Master Stevedores Association has urged that the employees engaged by listed employers must mean the employees covered by listed dock workers scheme i.e., unregistered Dock Workers (Regulation of Employment) Scheme, 1957 which, as stated before, mentions three class of dock workers, namely, chipping and painting workers, salt workers, stitchers and baggers and workers employed in coal stevedoring and bunkering. Shri P. K. Ganguly has however urged that such listed dock workers are already included in Category B(2) and there is no reason why they should be included again in category D. He has urged that the clerical staff engaged under the Port Commissioners are entitled to the benefit of the interim recommendation as they come in Category A and the clerical staff of the Dock Labour Board are entitled to the benefit of the interim recommendation because they come in Category C, and there is no reason why the clerical staff engaged in the office of listed employers should not get the benefit. Shri Aiyar has urged if the Category D was meant to include the office staff, the Wage Board would have mentioned that clearly, and there is no reason why the office staff of the registered employers should have been left out. It appears to be true that as the categories are described in the appendix to the Government order, Ext. 2, there is no category or sub-category in which the office staff of registered employers may come, unless the term "listed employers" is understood in a wide sense to include both registered and listed employers. This however does not appear to be permissible, as the Wage Board must be deemed conversant with the difference between registered employers and listed employers i.e., between the 1956 scheme and 1957 scheme for the Regulation of employment for the dock workers. It must therefore be held that office staff of registered employers are not entitled to the benefit of the interim recommendation of the Central Wage Board. But I think that the term "employees engaged by listed employers" should be understood to include the office staff of the listed employers and therefore the indoor staff mentioned in clause (xi) of the reference order are entitled to the benefit of the interim recommendations. An indoor clerk of Messrs A. C. Roy and Co., was examined as a witness for the union, viz. PW 2 Kanailal Mazumdar. He is a monthly paid clerk and he deposed that Supervisors and office clerks of the head office of the firm are on the same scales of pay, and both of them get a flat dearness allowance of Rs. 125 per month. It appears from the evidence of PW 1-A. Jamardan, a monthly paid supervisor under M/s. A. C. Roy and Co., that the dearness allowance was settled by a recent agreement between employers and the unions. In the circumstances, the supervisors and the office clerks who are drawing such dearness allowance under the recent agreement between the employers and themselves are not entitled to any further dearness allowance under the appendix to the Government Order, Ext. 2, but they are entitled to the interim relief of Rs. 7:80 plus Rs. 4.

7. As regards workmen other than those coming within clause (v) and clause (xi) it has been argued by the unions that they fall in Category E(5) of the interim recommendation. The Sub-category was originally described as follows: "Employees who come within the definition of 'dock workers' under the Dock Workers (Regulation of Employment) Act, 1948". This description was later amended by the Central Wage Board and the Government by resolution No. WB-21(36)/65 dated 3rd August, 1965, accepted the amendment. The amended description is as follows:

"Persons mainly employed in a 'dock' as defined in para 2(3) of the Dock Workers (Safety, Health and Welfare) Scheme, 1961 made by the Central Government in exercise of the powers conferred by Section 4(1) of the Dock Workers (Regulation of Employment) Act, 1948."

The definition of dock in 2(3) of the aforesaid scheme is as follows:—

"2.—Definitions.—(3) "Dock" means any dock, wharf or quay and shall include any warehouse or store place belonging to owners, trustees or conservators of, and situated in or in the vicinity of, the dock, wharf or quay and any railway line or siding on or used in connection with the dock, wharf or quay but not forming part of a State railway;"

Now so far as the workers are employed directly under Registered or listed employers, Category E(5) does not cover them, for the category relates to workers who are not employed by Port Authorities, Dock Labour Boards, Administrative Bodies, Listed Employers and Registered Employers. Such workers as come within one of the sub-categories (1) to (5) of Category E but are employed under

contractors or unlisted firms would be covered by Category E. It may be doubted whether the Central Wages Board has acted within its jurisdiction in including a sub-category of "persons mainly employed in a dock" if such persons are not dock workers as defined by the Dock Workers (Regulation of Employment) Act, 1948, for such persons do not fall within the original terms of reference of the Wage Board. Be that as it may, in so far as the workers mentioned in clauses (i)—(iv) and (vi)—(x) of the Reference Order are employed under the listed employers who are members of the two associations, they must be deemed to come in category D. Reference has already been made to the description of the workmen of different categories. Supervisors and Asstt. Supervisors work mainly in ships; so do the attendance clerks and most of the table staff; the cleaning workers also work in the ships because their duty is to sweep and clean the holds from time to time. The marksmen work sometimes in the sheds of the Port Commissioners and sometimes on board the ship. The carpenters work on board the ships. The gear workers carry the gear from the godown of the firm to the dock for use of the stevedoring mazdoors for loading and unloading. Their work is partly in the dock and partly in the godown. The watchmen work sometimes in the ships and sometimes in the ware houses in the port area. All of them are employed by the listed employers. They must be held entitled to the benefits of interim recommendation of the Central Wage Board for Port and Dock Workers, subject to the proviso that where they are already drawing dearness allowance under a scale fixed by agreement with the employers, they are not entitled to the dearness allowance recommended by the Central Wage Board, and subject to the further proviso that where they are employed under contractors and not direct under the listed firms, they must seek to obtain interim relief from contractors under whom they are directly employed; the listed firms cannot be made directly liable until the law is amended to provide that persons employed under a contractor engaged by a firm shall be deemed to be employed by the firm itself.

8. As regards the defence of the associations that some of the demands of the workmen are covered by awards still in force, the only awards which have been produced before the tribunal are the awards of the Central Government Industrial Tribunal, Dhanbad, in Reference No. 27 of 1959 and the awards of Central Government Industrial Tribunal, Calcutta in Reference No. 27 of 1964 and Reference No. 18 of 1965. In reference case No. 27 of 1959, claims of watchmen only for fixing of the daily rate and certain other benefits were in question. The Presiding Officer, G. Palit, fixed Rs. 3/8/- as the daily rate per shift, the rate being a consolidated wage consisting of basic pay plus dearness allowance. He also granted certain other benefits; e.g. uniforms, washing allowance of -/6/- per month and 3 paid holidays in a year. This award cannot stand in the way of the claim by the watchmen for the interim relief and dearness allowance. Reference No. 27 of 1965 concerned the claim by certain table staff to permanent service. The award was made on the basis of an agreement, the employer firm having agreed to treat the men as permanent employees. This award is quite irrelevant in connection with the present dispute. Reference No. 18 of 1965 was concerned with the claim of some Report writers and supervisors of Messrs Sarat Chatterjee & Co. P. Ltd. for permanent service and certain benefits in respect of scale of pay, dearness allowance, etc. This case also resulted in an agreed award by which the report writers were divided into 3 categories and taken into permanent service and report writers of the category A were called supervisors-cum-report writers and were awarded a daily wage per shift Rs. 9 plus a dearness allowance of Rs. 55 per month, Rs. 5 per month as travelling allowance and Rs. 10 per month as medical benefit. This award was made on 1st November 1965. It has been urged by Shri Aiyar that the first recommendation of the Central Wage Board for Port and Dock Workers had already been accepted by Government by the order dated 6th May, 1965 and that therefore the categories of workers who were concerned in Reference case No. 18 of 1965 before the Central Government Industrial Tribunal, Calcutta cannot claim the interim relief. It should be pointed out however that reference in that particular case had been made on 2nd April, 1965, before the date of the Government resolution, Ext. 2 accepting the interim recommendation of the Central Wage Board. A perusal of the award in the case shows that the parties did not take into consideration the impact of the interim recommendation by the Central Wage Board. I must hold, therefore that this award also cannot come in the way of the claim by the workmen of the particular category to the interim relief, but those workmen are not entitled to the D.A. recommended by the Central Wage Board in view of the D.A. they obtained by the award.

9. It appears from the evidence of PW 3-Ramachal Dubey, Peon employed under M/s. Naresh Nath Mukherjee that his firm has given the employees the

benefit of the interim relief and dearness allowance as recommended by the Central Wage Board. Most of the other firms have not given that relief and they must be held liable to do so except when the workmen of a particular category are employed under a contractor. Shri B. C. Chatterjee appearing for the Calcutta Stevedores Association has pointed out apart from PW 7-Md. Abdul Gaffar, a Rigger, several other workmen admitted clearly or by implication that they were employed under contractors. Thus PW 8-Augustin Lakra, a carpenter under M/s. K. B. Gorsia stated that he took his orders and payments from one Chamari Mistri and not direct from the company. PW 9-Abdul Aziz who claimed to be a cleaning mazdoor under M/s. Surat Chatterjee & Co. admitted that there is a sirdar from whom he receives payment. PW 10-Md. Suleman a marksman under M/s. Santosh Banerjee & Co. admitted that he received payment from a contractor; that the company assigns the work to the contractor and the contractor pay the marksman. PW-11 Kisun Prasad Yadav is a gearman under Messrs A. C. Roy and Company. It was decided in Reference case No. 139 of 1966 that the employer of the gearmen is the contractor, Ashu Sirdar, and not Messrs A. C. Roy & Company. There can be no doubt that the listed firms or stevedoring firms are getting some of the ancillary work done through contractors and the workmen employed by the contractors cannot be considered as direct employees of the listed firms or stevedoring firms. In such case as the contractors have not been made parties in the present reference, finding that workmen are entitled to the benefits of the interim recommendation will not be binding on the contractors concerned, but it would save future disputes if the firms employing the contractors were to arrange with the contractors to give the benefit of the interim recommendations to their workmen, revising if necessary the rates paid to the contractors.

10. There remains the question of fixing the date from which the interim recommendation of the Wage Board should be made applicable. It was recommended by the Wage Board that interim relief of Rs. 7.80 should be paid with effect from 1st February 1965; that employees who are being paid consolidated wages should be paid a minimum dearness allowance of Rs. 7.50 per month with effect from 1st October 1964. In the case of daily paid workers the daily rate of interim relief should be 1/26th of the monthly amount mentioned where the worker is not paid wages for any weekly day of rest or 1/30th where the worker is paid for weekly days of rest. The second interim relief of Rs. 4 per month was recommended to be given with effect from 1st August 1966. Shri P. K. Ganguly for the unions has urged that the allowances should be made payable from the dates originally recommended by the Wage Board. Shri Aiyar and Sri Chatterjee have however contended that that would put a heavy burden on the employers and that the dispute by the National Union of Water front Workers was raised long after the Government resolution adopting the first interim recommendation of the Wage Board had been published and that the relief should be given, if at all, only from the date of the award. It should be pointed out that the Government resolution adopting the interim recommendation of the Central Wage Board did not contain any mandatory directive on the employers to adopt the recommendations. The Government merely requested the concerned employers to implement the same as early as possible vide copy of the Resolution WB-21(13)/65, dated 27th April, 1965. It is not necessary therefore that effect should be given to the recommendations from the date originally proposed by the Central Wage Board. It would be sufficient in the interest of justice to make the award applicable from the 1st of April 1967 i.e. the beginning of the financial year next after the date of the order of reference.

11. My award, therefore, is that the workmen of the categories mentioned in clauses (i) to (x) of the reference order are entitled to the interim relief of Rs. 11.80 per month, and the workmen mentioned in clause (xi) attached to the office of listed employers are also entitled to such interim relief but not the indoor staff attached to office of registered firms of stevedors who are not also listed employers. In the case of workmen of categories like Supervisors, office clerks, etc. who are being paid dearness allowance by agreement with the employers, and workmen like report writers whose D.A. was settled by an award in 1965, they shall not be entitled to the dearness allowance under the interim recommendation of the Central Wage Board. Other workmen shall be entitled to the dearness allowance at the rate of Rs. 7.50 per month. Where any category of workers are not employed direct under the listed employers but under contractors having contract under such employers, such employer shall not be liable to pay the interim relief and the dearness allowance. It is recommended that they should try to ensure that the contractors under them give to

the workers the interim relief and dearness allowance at the scale at which they are entitled. The interim relief and dearness allowance under this award shall be paid to the different categories of workers with effect from 1st April, 1967. Where the workers are daily rated, the interim relief per day will be 1/26th of the amount fixed by the Central Wage Board unless the workmen of the particular category enjoys paid weekly holidays, in which case the amount shall be 1/30th of the amount fixed by the Central Wage Board.

(Sd.) S. K. SEN,
Presiding Officer.
[No. 28/119/66-LRIV.]

Dated, 19th September, 1967.

New Delhi, the 4th October 1967

S.O. 3653.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Mosaboni Mines of Indian Copper Corporation Limited and their workmen, which was received by the Central Government on the 28th September, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JABALPUR.

CAMP AT DHANBAD.

Dated September 7, 1967.

PRESENT:

Sri G. C. Agarwala.—*Presiding Officer.*

REFERENCE No. 79 OF 1965 (DHANBAD TRIBUNAL)

REFERENCE No. CGIT/LC(R) (82) /67 (JABALPUR TRIBUNAL).

PARTIES:

Employers in relation to Mosaboni Mines of Indian Copper Corporation Limited, P.O. Ghatsila, District Singhbhum (Bihar).

Vs.

Their Workmen through Mosaboni Mines Labour Union, P.O. Mosaboni, District, Singhbhum.

APPEARANCES:

For employers.—Sri K. C. Goel, Legal Officer, of the employers.

For workmen.—S/Sri Chotelal Ji Vyas, Vice President and H. B. Singh, "Arsi", General Secretary, Mosaboni Mines Labour Union.

INDUSTRY: Copper Mine.

DISTRICT: Singhbhum (Bihar).

AWARD.

By Notification No. 24/27/65-LRI dated 6th May, 1965, the Ministry of Labour and Employment, Government of India, referred the following matter of dispute to the Central Government Industrial Tribunal, Dhanbad, under Section 10 I.D. Act for adjudication from where the case was transferred to this Tribunal by Notification No. 8/25/67-LRII dated April 25, 1967:

Matter of dispute

Whether the management of Mosaboni Mines of Indian Copper Corporation Limited, (P.O. Ghatsila, District Singhbhum) is justified in not granting facilities of free supply of electricity and fuel to Shri U. C. Patnaik, Assistant Draftsman? If not, to what relief is the workman entitled?

The proceedings remained pending before the said Tribunal till transferred to this Tribunal.

The parties filed their pleadings before the Dhanbad Tribunal. Preliminary hearing was rendered at camp Allahabad on 16th June, 1967, when the two following additional issues were framed:—

Addl. Issues

- (1) Is the dispute not an industrial dispute?
- (2) Whether by conditions of service on promotion and by reason of Award dated 31st January, 1957, Shri U. C. Patnaik is not entitled to free electricity and firewood?

Hearing was commenced and evidence recorded at camp Ghatsila rather Mouhbandar and Mosobani on 29th and 31st September, 1967. The Union examined three witnesses S/Sri U. C. Patnaik (W.W. 1), Anil Biswas (W.W. 2) who was discharged having been found unnecessary and S. K. Das (W.W. 3). The employers examined one witness Sri S. N. Banerji (E.W. 1). Certain documents were also filed and proved by the parties. Arguments were heard on 6th September, 1967, at Dhanbad.

The dispute which has been sponsored by Mosaboni Mines Labour Union is short and simple. Sri U. C. Patnaik, the workman concerned, to be hereinafter called Patnaik, joined the Company as a Survey Boy in the Mosobani Mine of the Company in 1949 and was promoted as Assistant Tracer on 1st January, 1962. He was subsequently promoted as Draftsman on 1st April, 1962. He was not getting free electricity and fuel before his promotion as Assistant Draftsman. The management before promoting him as Asstt. Draftsman obtained an undertaking from him that he would not claim free fuel or electricity. This was presumably considered necessary because two other Draftsmen S/Sri P. B. Lohar and Anil Biswas were getting free electricity and fuel which according to the management was a part of the conditions of their service. Another person Sri H. B. Senapati was similarly promoted as Sri Patnaik and he was also not given free electricity and fuel. He is, however, no more in the service of the Company having resigned. In 1956, the Union raised a number of demands as a result of which Special Tribunal was constituted at Calcutta and an award was recorded in I.D. 5 of 1956. A copy of this award is Ex. E. 3. This award was published on a settlement arrived at during the reference. One of the demands covered by the reference was that not the quarters should be electrified and the settlement was that the company would electrify quarters and supply electricity against payment from the employees which shall form part of phased programme. On the basis of this settlement award after discussion with the Union on 2nd May, 1959, the Company prepared a scheme for electrification of quarters (Ex. E. 2). Sri Patnaik applied for electricity as would appear from his application dated 31st December, 1960. He has thus been getting electricity on payment. After promotion he began claiming free electricity and fuel on the ground that other Draftsmen P. B. Lohar and Anil Biswas had been getting the same. His contention was that this was a facility which goes with the post and therefore on promotion and confirmation he is also entitled to this privilege. The Company, on the other hand, contended that free electricity and fuel was not a privilege attached to any particular post or category of posts but varied in the discretion of the Company. Some were given this facility as a part of their conditions of service and that could not be changed after the award. Subsequent to the award the company has not given free electricity or fuel to any employee. It was also challenged on behalf of the management that the dispute was not an industrial dispute and the Tribunal has no jurisdiction.

FINDINGS

Issue No. 1

The plan is clearly untenable. On behalf of the Union, Sri S. K. Das, Asstt. Secretary was examined as W.W. 3. He produced the Membership Register. Out of about 5,000 workers in the Mine nearly 4,700 are members of this Union. There is no other Union in the Mine. Obviously, the Union is a representative Union of the workers. Sri Patnaik is a member of this Union at least from 1962. His application form (Ex. W/1) is dated 10th July, 1962. A number of counterfoil receipts have also been filed and are Exts. W/2 to W/17. These show that he had been paying subscription. An extract of the Membership Register is Ex. W/18 which would show that he had been paying subscription. Having been proved that Sri Patnaik was a member of the Union at the relevant time and the Union is a representative of workers, the dispute is an industrial dispute and this Tribunal has jurisdiction.

Issue No. 2

The short question under controversy is whether the facility of free light and fuel was attached to the post or went with the person. The claim of Sri Patnaik for free electricity and fuel is rather misconceived. Admittedly, he was not getting free electricity and fuel before promotion. By the mere fact of his promotion he cannot claim this facility as a matter of right on the analogy that the other Draftsmen Biswas and Lohra, had been getting free electricity and fuel. That was because from the very beginning they were getting free electricity and fuel as a part of terms of their service conditions. This has been stated so by Sri S. N. Banerji (E.W. 1) Chief Surveyor and Head of the Survey Department since 1960 who had occasions to go through service records of these persons. Sri Biswas was formerly a clerk, then became a Tracer and was next promoted as Asstt. Draftsman. He was getting free electricity and fuel since the time he was a clerk. According to Sri Banerji, after the award of 1956 two persons were promoted as Asstt. Draftsmen S/Sri Patnaik and Senapati and since they were not getting free electricity and fuel, they were not given this advantage. No Assistant Draftsman was given free electricity and fuel appointed after the award. It is evident that the concession of free electricity and fuel was not a benefit going with the post. There is no circumstance to indicate that this was a privilege attached to the post. Before promotion both S/Sri Senapati and Patnaik had been informed by an order of the management dated 2nd May, 1962, (Ex. E/2) that they would not be entitled to the facilities of free housing, light and fuel. The Chief Surveyor, Sri Banerji, informed the contents of this letter to both these persons who signed on Ex. E/1 a letter sent by him in reply. Sri Patnaik stated that his signature was obtained under coercion and that he was threatened that he would not be confirmed until he signed the same. It is unnecessary to go into the question whether he signed this letter under coercion or otherwise. The rule of estoppel or acquiescence has no application in industrial adjudication. Consequently, if it was a benefit attached to the post even though he had agreed to forego the benefit on promotion he would not be deprived of the same and the management could not impose it as a condition precedent for his promotion. The relevant fact to be determined is whether this was a benefit going with the post. The evidence and circumstances, however, point to the conclusion that the benefit of free electricity was extended by the management to some of its employees on discretion and was not a benefit attached to the post of Asstt. Draftsman in the Survey Department. They had not been extending this benefit after the award. Considerations of social justice do not arise in the case. No invidious discrimination has been resorted to by the Company and they are proceeding Central Government on the 3rd October, 1967.

Decision

The result is that the issue under reference is answered in negative. Sri U. C. Patnaik is not entitled to free supply of electricity and fuel and he is not entitled to any relief. No order as to costs.

(Sd.) G. C. AGGARWALA,
Presiding Officer.
7-9-1967.

[No. 24/27/65-LRI.]

S.O. 3654.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the Punjab National Bank Limited and their workmen which was received by the Central Government on the 3rd October, 1967

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE No. 37 OF 1967.

PARTIES:

Employers in relation to the Punjab National Bank Limited,

AND

Their workmen.

PRESENT:

Shri S. K. Sen.—Presiding Officer.

APPEARANCES:

On behalf of Employers.—Shri A. Roy Choudhury, Staff Officer.

On behalf of Workmen.—Shri S. N. Banerjee, Genl. Secretary, Punjab National Bank Sramik Union.

STATE: West Bengal.

INDUSTRY: Banking.

AWARD

By Order No. 51/22/67-LRII dated 20th May, 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Punjab National Bank Limited and their workmen in respect of the matter specified in the following schedule:

"Whether the management of the Punjab National Bank Limited, Calcutta was justified in promoting Shri S. K. Raghubanshi as 'Teller' with effect from the 29th December, 1965 in supersession of Shri P.K. Ghosal If, not, to what relief is Shri P. K. Ghosal entitled?"

2. The Punjab National Bank Limited introduced the system of Tellers at the Bhowanipore branch of their bank in 1964. The duty of a teller is described in Appendix B of the settlement between the bank managements and their workmen dated 19th October, 1966, as passing and cash payment of cheques upto and including Rs. 1,000. A teller's special allowance for A class bank was increased to Rs. 27 per month according to the aforesaid agreement. The revised special allowance was to come into force from 1st July 1966. Under the Desai award the special allowance of a teller was Rs. 10 per month for all classes of banks; that was the rate of allowance from 14th October 1965 to 30th June, 1966.

3. With effect from 14th October, 1965 there was a vacancy in one of the two posts of tellers at the Bhowanipore branch of the Punjab National Bank and the management invited applications from certain persons considered qualified for the post. Four persons to whom the communication was issued applied for the post, namely P. K. Ghosal, Ram Dayal Singh, S. K. Raghubanshi and P. R. Banerjee. P. C. Mukherjee who was previously selected as a leave reservist for the post of a teller officiated in the vacant teller's post from 14th October, 1965 to 17th October, 1965. Then Ram Dayal Singh officiated in the vacant post from 18th October, 1965 to 28th October, 1965. Thereafter P. C. Mukherjee again officiated from 27th October, 1965 to 28th December, 1965. With effect from 29th December, 1965 the manager appointed S. K. Raghubanshi substantively to the post of the teller, subject to the approval of the Assistant Genl. Manager. In the meantime P. K. Ghosal, P. C. Mukherjee and B. P. Das Modak filed representations asserting their superior claims to the post. The Assistant General Manager did not consider the selection of S. K. Raghubanshi as proper and in accordance with rules, but he did not pass any order setting aside the selection and appointing somebody else as teller in the post; he referred the matter to the Headoffice at New Delhi. In the meantime P. K. Ghosal had already raised a dispute before the A.L.C., Central Calcutta and there being no amicable settlement before the A.L.C., Central, this reference was made on 29th May, 1967.

4. According to the case of the union (the Punjab National Bank Shramik Union) on behalf of the clerk, P.K. Ghosal, in terms of the Asstt. General Manager's Circular No. 120 of 28th May, 1965 and the Staff Department Circular No. 561 dated 3rd March 1965, P. K. Ghosal was entitled to obtain the promotion to the post of the teller; for though he and S. K. Raghubanshi both had 11 priority marks, P. K. Ghosal had more experience as ledger clerk and a greater length of service than S. K. Raghubanshi. According to the union, therefore, the selection of S. K. Raghubanshi on a permanent basis for the post of the teller is vitiated by irregularity and favouritism and is liable to be set aside. On behalf of P. K. Ghosal it has been claimed that he is entitled to be appointed as the permanent teller in place of S. K. Raghubanshi and that he is entitled to receive the teller's allowance with effect from 14th October, 1965.

5. According to the written statement of the management, there was no irregularity or favouritism in appointing Sri S. K. Raghubanshi to the permanent job of a teller. Both S. K. Raghubanshi and P. K. Ghosal had the same priority mark according to the Staff department Circular No. 561 of 3rd March 1964 (11 marks each) and both had less than 2 years' experience as ledger keeper, but S. K. Raghubanshi had worked for 3 months as a member of a temporary teller training team, and therefore he was considered more suitable for appointment to the permanent post of a teller.

6. Ext. B is the copy of Circular No. 120 dated 28th May 1965 relating to the mode of appointment of tellers. By this circular the previous instructions relating to the mode of appointment of tellers was superseded, and the selection of tellers was to be made as follows—"Selection of clerks as tellers to be made on the basis of priority marks determined with reference to the length of service and educational qualifications as prescribed in Staff department Circular No. 561 dated 3rd March

1964, subject however to the condition that they should have at least 2 years' experience as ledger keeper. If however suitable persons with the requisite qualifications are not available, those with the longest experience as ledger keeper should be given preference". Some of the letters between the manager, Bhowanipore branch and the Assistant General Manager, Eastern Circle, Calcutta, relating to the appointment of the teller, have been produced before the tribunal and exhibited. Ext. L is the earliest of these letters, being dated 24th March 1966. Therein the Assistant General Manager pointed out that Shri Raghubanshi's experience as ledger keeper was not more than 6 months when he was selected as a teller, whereas certain other persons had been previously approved by the Assistant General Manager for work as regular tellers and leave reserve tellers. The A.G.M. therefore asked the manager to ascertain who was the most deserving candidate. Ext. K is letter from the Manager, Bhowanipore Branch to the Assistant General Manager; it is dated 5th July 1966. Therein the Branch Manager stated that as S. K. Raghubanshi was allowed to officiate as teller prior to the issue of Circular No. 120 of 28th May 1966, the Branch Manager came to the conclusion that the Circular was not applicable to him and therefore the branch manager gave him the first preference, but if it was held that Circular No. 120 was applicable even to him then Sri P. K. Ghosal was entitled to selection as teller. Ext. H/I is the next letter dated 15th July, 1966, from the Manager, to the Assistant General Manager. Therein the Manager again asked for approval to the appointment of S. K. Raghubanshi as teller, but observed that if the Assistant General Manager did not consider S. K. Raghubanshi as having superior claim, he might approve of appointment of P. K. Ghosal as teller. The branch manager in another letter dated 16th September, 1966, (Ext. H) gave details about the educational qualifications and experience of several clerks, enclosing a chart showing that P. K. Ghosal was the seniormost clerk with the highest priority mark, but he still pleaded that Shri Raghubanshi's appointment as permanent teller might be confirmed, as many months had elapsed since Sri Raghubanshi had been allowed to work on a permanent basis. The A.G.M. however did not take the responsibility of making a final decision himself but reported the fact to the Headoffice at New Delhi for decision *vide* the letter Ext. I dated 13th February 1967. In this letter the Assistant General Manager also mentioned that P. K. Ghosal had taken the dispute to the A.L.C., Central, Calcutta. The Delhi office gave its reply by way of an endorsement to a letter written to the A.L.C. Central Calcutta *vide* Ext. J. Therein the Delhi office expressed the opinion that B. P. Das Modak appeared to be entitled to the permanent post of the teller on a strict interpretation of the rules and Circulars and that the Assistant General Manager might explain that position to the A.L.C., Central, Calcutta.

7. Ultimately therefore it appears that the top management itself was convinced that the appointment of S. K. Raghubanshi had not been made in accordance with rules. According to the Staff Department Circular No. 561 dated 3rd March 1965, which is based on an agreement between the management and the unions, an employee coming highest in the priority list and not assessed 'below average' is entitled to be promoted when a vacancy occurs; and in case of equality of priority marks, an employee with the greater length of service shall be considered senior. If this rule is strictly applied, P. K. Ghosal is entitled to the appointment to the permanent post of a teller. On the other hand, according to the office Circular No. 120 of 28th May, 1966, in the matter of selection of tellers a condition was imposed that the candidate should have at least 2 years' experience as ledger keeper and if a suitable person with requisite experience was not available a clerk with the longest experience as ledger keeper should be given preference. B. P. Das Modak has the longest experience *i.e.* over 4 years as ledger keeper but his priority mark is 7 as against 11 which is the rating of both P. K. Ghosal and S. K. Raghubanshi. It appears that the Delhi Headoffice's view that B. P. Das Modak is entitled under the Circular to be appointed permanently as a teller is based on the fact that he has the longest experience as ledger keeper.

8. Whether the permanent post should go ultimately to P. K. Ghosal or to B. P. Das Modak, it is clear that S. K. Raghubanshi's selection was not in accordance with rules and therefore he was not approved by the Assistant General Manager or by the Delhi office. It must be held that the selection of Shri Raghubanshi was bad because of irregularity and favouritism as alleged by the union and therefore the selection of S. K. Raghubanshi to the permanent post of a teller must be set aside. The prayer of the union is that P. K. Ghosal should be appointed by the tribunal to the post of the teller on a permanent basis and given the teller's allowance with effect from 14th October, 1965 when the post fell vacant on a permanent basis. On this point it has been urged by Sri A. Roy Choudhury on behalf of the management that it is not within the jurisdiction of the tribunal to make a selection for promotion; that the tribunal can at most say that a particular promotion is bad because of *malafide* or irregularity or any other defect, but must leave

it to the management to make the selection in accordance with the rules after considering the case of all suitable candidates. In this connection Sri Roy Choudhury has referred to the decision of the Supreme Court, 1966 I IJ 402, Brooke Bond India Private Limited and their workmen. The Supreme Court observed as follows, "Generally speaking promotion is a management's function; but it may be recognised that there may be occasions when a tribunal may have to interfere with promotions made by the management when persons superseded has been so superseded on account of malafide or victimisation; even so, after a finding of a malafide or victimisation, it is not the function of the tribunal to consider the merits of various employees itself and then decide whom to promote; if any industrial tribunal decides that promotions have been made which are unjustified the appropriate course for it is to set aside the promotions and ask the management to consider the case of superseded employees and decide for itself whom to promote". The law laid down by the Supreme Court must of course be followed and therefore I must leave it to the management to select a suitable person for the post of the teller on a permanent basis from among the superseded candidates who are qualified for the post.

9. As regards the claim for the allowance, in view of the decision that the question of promotion must be left to the management, there is no occasion to make any order for payment of any allowance as teller. It may be mentioned here that until 28th December, 1965, officiating arrangements continued and persons selected as leave reservist for the post of teller were appointed to officiate pending the selection of somebody on a permanent basis. It is only from 29th December, 1965 that S. K. Raghubanshi was appointed on a permanent basis. In any case, therefore, there could be no claim to the allowance of the teller before 29th December, 1965.

10. My award, therefore, is that the management of the Punjab National Bank Limited, Calcutta, was not justified in promotion Shri S. K. Raghubanshi as 'teller' with effect from 29th December, 1965 in supersession of Sri P. K. Ghosal. Accordingly, I set aside the promotion made by the branch Manager, Bhowanipore of Sri S. K. Raghubanshi to the post of 'teller' on a permanent footing with effect from 29th December, 1965, which promotion has not been confirmed by the Assistant General Manager or by any other superior authority as required under rules, and I direct that the case of Sri P. K. Ghosal and other suitable candidates be considered for appointment to the post of 'teller' on a permanent basis.

Sd./- S. K. Sen,

Presiding Officer.

[No. 51/22/67/LRIV.]

Dated, 26th September, 1967.

New Delhi, the 5th October 1967

S.O. 3655.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the Industrial Dispute between the employers in relation to the Chipping and Painting Contractors, Calcutta, and their workmen which was received by the Central Government on 30th September, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 146 OF 1966

PARTIES:

Employers in relation to the Chipping and Painting Contractors

AND

Their Workmen.

PRESENT:

Shri S. K. Sen—Presiding Officer.

APPEARANCES:

On behalf of Contractors—Shri S. K. Bhanja Choudhury, Advocate.

On behalf of Workmen— { Shri P. Sen for Dock Ma'door Union
 { Shri W. A. Azad for Calcutta Dock Workers Union.

STATE: West Bengal.

INDUSTRY: Port and Dock.

AWARD

By Order No. 28/54/66-LRIV, dated 3rd August, 1966, the Central Government referred for adjudication an industrial dispute between the Chipping and Painting

Contractors, Calcutta, and their workmen in respect of the matter specified in the following schedule :

"Whether the demand for payment of Profit Sharing Bonus on behalf of the listed Chipping and Painting workers employed at Calcutta Port is justified and if so at what rate and from what date should the same be paid?

2. The reference order mentioned 51 chipping and painting contractors listed by the Dock Labour Board under sub-clauses 2 and 3 of Clause 8 of the Calcutta un-registered Dock Workers (Regulation of Employment) Scheme, 1957. Many of these listed employers did not however appear before the Tribunal in spite of issue of notices by registered post on several occasions. By correspondence with the Calcutta Dock Labour Board it was ascertained, *vide* Calcutta Dock Labour Board's letter No. DLB/8/60(89)/373, dated 10th April, 1967, that out of the 51 listed employers of Chipping and Painting workers the name of Messrs J. Mukherjee & Company Pvt. Ltd (No. 21 of the Reference Order) has been removed from the list and that out of the remaining 50 employers only 27 employers have undertaken any chipping and painting work on ships in the course of the last three years. The remaining 23 employers did not undertake any chipping and painting work on ships visiting Calcutta port during the last 3 years although their names still remain in the list of employers of Chipping and Painting Workers. 23 of the listed firms are members of the Calcutta Chipping, Painting and Ship's Labour Contractors' Association, and that Association only being authorised by their constituents have contested the case. According to the evidence of MW 1—Sri Nilendu Halder, Secretary of the Association, 6 firms have ceased to do business in chipping and painting of ships. They are mentioned in Ext. E, a list compiled by the witness, being M/s. J. N. Mukherjee & Co. referred to above, and also Messrs Balalal Mookerjee & Co. P. Ltd. (No. 4 of the Reference Order), Messrs. G. Ewan & Co. (No. 47 of the Reference Order), Messrs. Sen Mookerjee & Co. P. Ltd (No. 34 of the Reference Order), Messrs. K. Lall & Co. Jr. (No. 18 of the Messrs Balalal Mookerjee & Co. P. Ltd. (No. 4 of the Reference Order), Messrs. according to MW 1 three other firms listed in Ext. E/1 have altogether closed down. Two of them however, namely Messrs. Abdul Halim & Co. and M/s. Nadam & Co. are not included in the Reference Order; they were removed at their own request before the Reference Order was made. But the third one, Messrs. Imdad Ali & Co. is No. 6 of the Reference Order. The partners of Messrs. Imdad Ali & Co. have according to MW-1 gone to Pakistan as the prospect of business in this line is better there. Out of the remaining 44 firms, according to MW 1 only 22 did any chipping and painting business on ships visiting Calcutta Port in the course of the last few years.

3. The firms who are doing business have left the contest to the Association as already stated. The Association has raised several preliminary objections, *viz.*, that registered and listed dock workers are outside the scope of the Payment of Bonus Act; that there is no relationship as employer and employee between the chipping and painting contractors and the listed workers hired by them from the Dock Labour Board for the purpose of chipping and painting jobs; that the Dock Labour Board is in the position of the employer of the listed labour and not having been made a party to the reference, the reference is incompetent; that the Dock Labour Board is the final authority to decide all claims as to wage increase, bonus, etc. and a reference to adjudication of such demand by the workers is without jurisdiction; and that the reference order is also bad as it does not mention the period for which the profit bonus has been demanded by the workers. On the merits, the Association's case is that after the chipping and painting workers were taken over by the Dock Labour Board the workers have shown a spirit of indiscipline and their output has become a fraction of the output which the employers could obtain from the workers when the workers were employed direct by the contractors; and this fact was recognised by the Single Member Committee, the Balani Committee which recommended working under an incentive piece-rate scheme and the Manning-cum-bonus scheme but the workers refused to implement the scheme and insisted on work at time rate, and put in not more than 3 hours work in any shift, with the result that the quality and output of work deteriorated and as a consequence many foreign shipping lines which used to have chipping and painting work done in Calcutta transferred their business to Colombo and to East Pakistan Ports of Chalna (near Khulna) and Chittagong. Therefore the contractors have been faced with a serious crisis, and out of 51 contractors, only 22 are still doing business. According to the Association, therefore, even if the claim for a bonus were legally sustainable, it is not justified on merits.

4. In the reference order the Dock Mazdoor Union and the National Union of Dockers, now known as National Union of Waterfront Workers, are mentioned as representing the workman. The Dock Mazdoor Union filed a written statement and the case has been conducted on behalf of the workmen mainly by the General Secretary of the Dock Mazdoor Union, Sri P. Sen. The National Union of Dockers or Waterfront Workers did not file any written statement although Shri P. K. Ganguly, Jt. Secretary of that Union, deposed as a witness for the Unions. The Calcutta Dock Workers Union applied to be added as a party and was permitted to file a written statement and to appear at the hearing on behalf of the workers. According to Dock Mazdoor Union the chipping and painting workers earn a poor income in Calcutta and the income of similar workers at Bombay is nearly double of what such workers are getting in Calcutta, and further the Chipping and Painting Contractors at Bombay have by an agreement entered into with the workmen adopted a scheme for paying bonus to the chipping and painting workers; and therefore there is no reason why the chipping and painting contractors at Calcutta should not pay a similar bonus. According to the Union, the business of chipping and painting contractors does not require much capital investment and the contractors have been making large profits and they are well able to pay a bonus as the chipping and painting contractors are doing at Bombay. The claim has been laid at 5 months' wages for each worker from 1964 to the present date. The Calcutta Dock Workers Union in its written statement has stated that the Union has been agitating for the grant of bonus to chipping and painting workers from 1964, but neither the employers nor the Calcutta Dock Labour Board have so far conceded this demand of the workman, although not only registered dock workers but other categories of listed workers like stitchers, baggers and salt workers are getting a bonus under an agreement with the employers dated 13th September, 1965. This Union has claimed bonus equal to 6 months' pay or 20 per cent of the annual remuneration for the years 1964-65 and 1965-66.

5. I first proceed to take up the preliminary objections urged by the Association of Contractors. The first objection is that the Payment of Bonus Act does not apply to registered and listed dock workers. Section 32 of the Payment of Bonus Act, 1965 provides that nothing in the Act shall apply to certain categories of employees; and employees to whom this Act does not apply are listed in eleven sub-clauses; Sub-clause (iii) mentions employees registered or listed under any scheme made under the Dock Workers (Regulation of Employment) Act, 1948 and employed by registered or listed employers. Accordingly, the contention of Shri Bhanja Choudhury that the Payment of Bonus Act does not apply to listed Dock workers working under the listed employers must be accepted. Sri P. Sen and Sri W. A. Azad appearing for the Unions have referred to certain observations in the Bonus Commission Report to support the claim that a profit bonus may legally be claimed by the Dock workers. The Bonus Commission dealt with the question of Stevedore labour in Chapter 17 paragraphs 11 to 16. In paragraph 13 the Commission remarked as follows:—

"17.13. We are of the opinion that stevedore labour should not, *per se*, be ineligible for bonus. It has not been suggested that stevedoring is less profitable in Calcutta than in Bombay. The circumstance that employment is from a pool, in rotation and intermittent, is not a good argument against giving bonus and there should be no practical difficulties since a record is regularly maintained of the persons who have been employed under each stevedore."

In paragraph 15, the Commission gave a summary of the agreement as to bonus entered into at Bombay with stevedore labour. The scheme briefly is that bonus at a certain rate per ton of cargo handled is paid into a bonus pool and the amount in the bonus pool is divided among the reserve pool workers and the monthly workers in proportion to the number of man-days and the basic wages of the respective categories. The rate fixed was 15 paise per ton for 2 years ending 31st March 1963 and 16 paise per ton for the 2 years ending 31st March 1965. In paragraph 16, the Commission observed as follows:—

"So far the Stevedores' Association has been able to come to an agreement with the Transport and Dock Workers' Union about the rate of contribution by the employers to the bonus pool. We hope that this will continue to be the case. If in future the parties cannot for any year agree as to the rate of contribution to the bonus pool and/or as to the manner of its distribution among the entitled workmen, we recommend that the same should be determined by arbitration. It in any year the parties do not agree to arbitration, the machinery of the Industrial Disputes Act would be available for settlement of the dispute. In view of the particular circumstances in which stevedore labour is employed under the decasualisation scheme we are clear

that our general formula would be inapplicable; so also any system of minimum and maximum bonus. We recommend further that the bonus pool system for stevedore labour in Bombay should also be applied at other ports, including Calcutta, subject to such modifications as local conditions may require. In the event of disagreement the matter should be referred to arbitration or adjudication."

The Calcutta Dock Workers Union in its written statement referred to a scheme between the employers represented by the Master Stevedores Association and the Calcutta Stevedores Association and the workmen represented by the National Union of Dock Workers and Dock Mazdoor Union on 30th September 1965, by which the stevedore labour and certain categories of listed workers are being paid bonus under a scheme similar to that adopted at Bombay. A copy of that agreement has not been produced before the tribunal, but the unions have produced a copy of the minutes of the Dock Labour Board of the meeting held on 29th August, 1967. Item No. 1 of the agenda refers to the question of payment of bonus for the year 1966-67 and 1967-68. It was decided that bonus be paid to the registered workers both monthly and reserve pool and the listed baggers, stitchers and salt workers for the year 1966-67 at the rate of 30 paise per deadweight ton and for the year 1967-68 at the rate of 31 paise per deadweight ton handled during the respective years, and the distribution be made in the manner as for the year 1964-65 and 1965-66 under the scheme agreed between the employers associations and the unions. The unions have also referred to Ext. 4 which is a copy of the memorandum of settlement between the Chipping and Painting employers' Association, Bombay and the employees represented by the Secretary of the Transport and Dock Workers Union, Bombay dated 25th August 1965, by which the association agreed to pay bonus to the chipping and painting workers for the year 1964-65. By the terms of the settlement each listed chipping and painting worker was to be paid bonus at 32 paise per man-day attended and worked by him, provided that if a worker has worked for 2 or 3 shifts a day, it should be counted as one man-day, and workers who have worked and attended for less than 50 days in a year shall not be eligible for any bonus for that year. On behalf of the union, therefore, it has been urged that chipping and painting workers in Calcutta are entitled to such a bonus and that the matter is one which may be referred to adjudication.

6. It should be pointed out however that what the unions have claimed is a profit bonus and the order of reference also mentions profit bonus or profit sharing bonus. What was agreed to be paid at Bombay to the stevedore labour at so many paise per ton of cargo handled, and what has also been agreed to be paid at Calcutta to the stevedore labour i.e., registered dock workers, and to baggers, stitchers and salt workers, at so many paise per ton is a sort of production bonus and not profit bonus; from profit bonus, whatever observation the Bonus Commission might have made in the report, the Bonus Act has definitely excluded the registered and listed dock workers. In this connection, I may refer to a decision of Maharashtra High Court, Bhuleswar Swadeshi Mart v. Its workmen, 1966 II LLJ 764, that demand for bonus under the Act is not maintainable as the Mart employees less than 20 men, and that once an Act has been passed about a certain matter, no other law will apply unless expressly saved by the Act. I must hold therefore that the claim for profit bonus as made by the unions must fail and the question referred being whether the demand for payment of profit sharing bonus is justified, the tribunal cannot consider whether a production bonus, as the case of stevedore labour, or an attendance bonus as in the case of chipping and painting workers at Bombay may justifiably be claimed by the chipping and painting workers in Calcutta. In this connection, reference may be made to a decision of the Supreme Court in 1961 II LLJ 694, Tocklal Experimental Station and its workmen. Therein the Supreme Court laid down that claim for profit bonus cannot be validly made unless the specific year for which it is claimed is indicated and it is urged that there is available surplus in the hands of the employers during that year; and further that where a claim for profit bonus was made and the industrial tribunal proceeded to grant a puja bonus on the ground that similar scientific stations were granting a Puja bonus to their workers, the award was set aside. It is clear that where the question referred to the tribunal is one kind of bonus, the tribunal cannot consider the claim for any other kind of bonus.

7. The second objection of the contractors association is that since the listing of chipping and painting workers by the Dock Labour Board under the 1957 scheme, relationship as employer and employee no longer exists between the contractors and the workmen allotted to them for each particular job on the requisition by the contractor, and that therefore there can not be any claim to

a profit sharing bonus by the chipping and painting workers. The fundamental idea of profit bonus is that a claim for profit bonus arises when it is found that for the relevant year the employer has made a profit and that after allowing for prior charges there remains available surplus in his hand a portion of which may be distributed as bonus to his employees. Unless the workers are his employees, i.e., unless there is the relationship of employer and employee in the particular business the claim for profit bonus cannot be raised. The contractors' association pointed out in paragraph 9 of its written statement that according to the scheme the contractors are merely hirers of labour from the Dock Labour Board; they submit requisitions to the Board for this type of labour when they have a contract requiring such labour, and the Board supplies the labour on a daily hire basis subject to the deposit of the wages and the payment of a levy, and the payment of wages to the workers is made by the Dock Labour Board and not by the contractors; that the contractors have no control over the workers but may only complain against the workers to the Personnel Officer or Labour Officer of the Dock Labour Board that the contractors have no right of recruitment and no right of terminating the services of the workers or imposing any other penalty by way of discipline, and that the power of fixing wages, allowances and other conditions of service lies with the Calcutta Dock Labour Board. It must be conceded that there is no employer and employee relationship between the chipping and painting contractors and the chipping and painting workers listed under the 1957 scheme. It is no doubt true that the Bonus Commission made an observation that the circumstance of employment from a pool is not a good argument against giving a bonus. But so far as profit bonus is concerned, the Bonus Commission itself recommended that profit bonus should be paid unitwise and not industrywise, and the scheme of the payment of bonus Act is that the payment of bonus is unitwise i.e., made to the employees of a particular unit or establishment or firm out of the available surplus of the particular year of that unit or firm. Accordingly, the above observation of the Bonus Commission relating to stevedore labour does not appear to be acceptable, so far as profit bonus is concerned. There could be claim for production bonus or attendance bonus but no such claim has been made or referred for adjudication.

8. Clause 12(2) of the 1957 Scheme provides that a listed dock worker in the pool who is available for work shall be deemed to be in the employment of the Board. It is on the basis of this clause that the contractors' association has urged that the Dock Labour Board is the real employer and should have been made a party and in the absence of Dock Labour Board as a party the reference to adjudication is not maintainable. On behalf of the unions it has been urged that there is no reference at all in the Dock Workers (Regulation of Employment) Scheme, 1957 to the question of bonus, and as regards wages and other conditions of service the Dock Labour Board was given that power by adding sub-clause (g) to clause 4 in October 1964, and before that wages and other conditions of service had to be settled by the contractors' firms by agreement with the workers or otherwise. It has also been pointed out that whereas in respect of registered workers, the 1956 scheme contains a clause, (clause 41) expressly providing that the rates of wages, allowances, etc. as may be prescribed by the Board from time to time shall be a condition of service of the registered dock workers, there is no corresponding clause in the 1957 scheme for listed workers and that the matter has got to be fixed by negotiation between the contractors and the listed workers; and that even in 1963 after the listing which was done in 1962, there was such an agreement between the employers and the workers by which the rate of wages was enhanced. But clause 4(g) must now be given effect to, and any agreement as to wages or other condition of service requires the approval of the Dock Labour Board which is the ultimate authority even in respect of listed workers. In view of the fact that the Dock Labour Board has the power to consider whether an agreement between the contractors firm and the workers should be enforced or not and in view of the provisions of clause 12(2) of the 1957 scheme, I accept the contention of Sri Bhanja Choudhury that the Dock Labour Board should have been added as a party in the reference case, as the Dock Labour Board would not be legally bound to give effect to an award to which the Board was not a party, although in practice the Board may not raise any such objection.

9. The next objection by Sri Bhanja Choudhury that the tribunal has no jurisdiction at all and that the Dock Labour Board is the ultimate authority, rests on a decision of the Patna High Court, namely, 1963, LLJ 76, Sarat Chatterjee & Co. Pvt. Limited and the Central Government Industrial Tribunal, Dhanbad. In that case the question referred to the tribunal was the validity of the demand of some monthly registered dock workers for fixation of scales of pay and for bonus. The Patna High Court held that the Dock Labour Board

is a Statutory Body competent to determine and describe wages, allowances and other conditions of service of Dock Workers under clause 8(f) and in view of clause 41 of the scheme, the wages, allowances and other conditions of service as prescribed by the Board become implied conditions of the contract of service between the registered dock workers and the registered employers and in the circumstances there is no scope for reference of any claim as to wages or bonus to an industrial tribunal. There is no decision of Supreme Court finally deciding the question as to whether or not the Patna High Court took the correct view. There is reason to think that the Patna High Court took an unduly limited view of sub-clause (o) of clause 8 which contemplates reference of disputes to adjudication. Apart from that point there is the significant difference between the two schemes that the scheme relating to listed workers does not have any provision similar to that contained in clause 41 of the scheme relating to registered workers. It was on clause 41 that the Patna High Court largely rested its decision. There being no such provision in the 1957 scheme relating to listed workers, I must hold that reference of a demand by listed workers to adjudication cannot be considered incompetent.

10. The last objection urged by Sri Bhanja Choudhury is that as in the reference order there is no mention of the period for which the profit sharing bonus is to be assessed, the reference must be considered vague and incompetent. For this view Sri Bhanja Choudhury has relied on the decision of the Supreme Court, Tocklal Experimental Station and its workmen, to which reference has been made before. The Supreme Court held that a claim for profit bonus cannot validly be made unless a specific year for which the claim is made is indicated. In Tocklal Experimental Station case the claim was made in general terms and not for any particular year. Although the present reference order does not mention the period for which the profit sharing bonus has been demanded by the workers, the Dock Mazdoor Union has stated clearly that it claims bonus for 1964 and subsequent years and the Calcutta Dock Workers Union has claimed bonus for two years namely 1964-65 and 1965-66. It appears that the accounting year of many of the Chipping and Painting Contractors' firms runs from 1st July to 30th June of the next calendar year, and therefore it may be held that the claim has been made for the two years namely 1st July 1964 to 30th June 1965 and 1st July 1965 to 30th June, 1966. In the circumstances, I do not consider that the non-mention of the period in the reference order would by itself make the reference bad.

11. But in view of the fact that Sec. 32 of the Payment of Bonus Act, 1965 makes the Act inapplicable to the listed chipping and painting workers, and in view of the conditions of service of the listed chipping and painting workers, I hold that a claim for profit sharing bonus is not maintainable. In view of the fact that no claim has been made for any other kind of bonus like production bonus or attendance bonus and in view of the fact that the Calcutta Dock Labour Board has not been made a party, I cannot also award any production or attendance bonus to the listed chipping and painting workers. Before disposing of the reference case however I would like to add certain observations.

12. MW1-Nilendu Halder stated in his deposition that since the Dock Labour Board took over control of the chipping and painting workers, due to the absence of employer-employee relationship, the work of the chipping and painting workers deteriorated to a great extent as compared with the work which was done before the Dock Labour Board took over; that at present the job allotted to a gang of chipping and painting workers is somehow completed by them in 2 or 3 hours and then the workers go away and most probably engage themselves in outside work, which they are not supposed to do; that there is no minimum norm for any category of work; but unless a job is allotted to a gang of worker practically no work is done, and the quantum of work has to be allotted with the consent of the workmen because the workmen refuse to accept a quantum of work that could not be finished by them within 3 hours. The Balani Committee report recommended adoption of the incentive piecerate scheme, but the workers of the chipping and painting pool refused to work under the scheme. The Deputy Chairman of the Dock Labour Board induced some volunteer workers to try the incentive piecerate scheme and it was found that the income of the individual chipping and painting worker by working the scheme would roughly be doubled, but even then the general body of chipping and painting workers refused to adopt the scheme. The wage rate for a shift of 8 hours was previously Rs. 2/14/- for the day shift and Rs. 3/6/- for the afternoon and night shifts. By an agreement which took place in 1963 before the Balani Committee was appointed, a certain minimum norm was agreed to and the contractors agreed to increase the rate to Rs. 3/6/- for the day shift and Rs. 3/14/- for the afternoon and night shifts.

The Dock Labour Board did not ratify the agreement as the agreement had been made with an unrecognised union, the West Bengal Dock Workers' Union; and the workmen refused to work upto the norm mentioned in the agreement and took up a threatening attitude, and the employers had to pay the increased wages even though the workmen did not work upto the norm agreed. Since that date, the workers are in addition getting the benefit of the interim relief and the Dearness allowance recommended by the Central Wage Board for Port and Dock workers. Shri Nilendu Haldar also stated that as the result of the attitude taken up by the workmen, more men have to be allotted to a particular job at present, e.g., before the Dock Labour Board took charge two workers working one shift completed chipping and painting one coat of one outside plate of a ship i.e. a plate with an approximate area of 150 Sq. ft. but now 4 or more men have to be deputed to do the same work. The quality of work has also deteriorated and as a result the contractors firms are loosing the work of most of the foreign shipping lines which prefer to have their work done at Chalna, in East Pakistan or elsewhere.

13. The Balani Report, a copy of which is Ext. A, supports most of these statements. Paragraph 63 of Chapter V of his report is as follows:—

"63. Almost all the employers are unanimous in their view that after the implementation of the Scheme the employer—employee relationship has disappeared and the discipline is at the lowest ebb. The workers have formed the habit of knocking off within two hours after coming to work and pay no heed to the orders of the representatives of employers. Both the quality and the quantity of work have deteriorated."

In paragraph 67 Sri Balani quoted observations of Ship's officers of two foreign ships. One officer was not satisfied with the rate of progress of the work and quality of work done at Calcutta and stated that he would prefer to have the work done at Chalna Port which is in Pakistan where plenty of labour is available and where better quality of work is done. Another Ship's officer observed that the progress of work in Calcutta has been very unsatisfactory and that the workers come for work at 7 a.m., start work at 8 a.m. and by 10 a.m. they go away; that the employers' men cannot do anything, and if they insist on the labour to do job properly, the supervisor is immediately abused, threatened or assaulted. Sri Balani recommended that sub-clause 2 of clause 12 of Calcutta unregistered Dock Workers (Regulation of Employment) Scheme should be deleted and that an Administrative Body of chipping and painting employers should be set up and should control the chipping and painting workers as is done in Bombay. This has however not been done at Calcutta yet. Sri Balani also recommended that provision should be made for grant of attendance allowance and minimum guaranteed wage. At the time when Sri Balani reported there was already a minimum guarantee for 12 days' minimum wages. Thereafter an attendance allowance at the rate of Rs. 1.50 was introduced for every day on which a listed worker attended but could not be offered any work. Sri Balani also recommended that the Manning piece-rate *cum* incentive bonus scheme mentioned in Appendix VI of the report should be introduced. It has already been mentioned how the attempt to implement the scheme failed, even though the Deputy Chairman of the Dock Labour Board with some volunteer workers showed that the earnings of workmen would substantially increase by working under the scheme. It would appear that the workers preferred to work for 2 or 3 hours and then go elsewhere for outside work. Very recently by agreeing to pay an amount of Re. 1 per shift over and above the amount which would be earned under the Manning piece-rate *cum* incentive bonus scheme and by agreeing to increase the minimum guarantee from 12 days to 18 days per month the listed contractors have induced the listed chipping and painting workers to agree to working that scheme, *vide* the memorandum of settlement, Ext. 8 dated 14th August, 1967. By this agreement, the contractors have also agreed to grant leave with pay to chipping and painting workers, *viz.*, privilege leave at 1/12th of the period spent on duty, casual leave for 5 days in a year and sick leave for 7 days in a year. At the meeting of the Dock Labour Board dated 29th August, 1967 this agreement of 14th August, 1967 is referred to, and it is mentioned that the Ministry of Labour and Employment has approved of the scheme by a letter dated 27th August, 1967. The Dock Labour Board adopted a resolution that the scheme under the agreement duly approved by the Ministry be implemented with effect from 11th September, 1967. Under this scheme if it is honestly worked the earning of the workmen will be double or more than double of the daily shift rate and further under the scheme they will be receiving Re. 1 practically as attendance bonus for each day of work over and above the earning under the Manning Piece-rate *cum* incentive bonus scheme.

14. As regards the contention of the unions that the contractors for chipping and painting workers are making large profits, this has been denied by MW 1-Nilendu Haldar and has also been denied in the written statement of the Association; Sri Bhanja Choudhury has relied on the fact mentioned before that many of the chipping and painting contractors have chosen to go out of business because of the low earnings received. The balancesheets of two of the firms only have produced before the tribunal, namely, Ext. L the balancesheet for 1965-66 of Messrs N. N. Mukherji Marine Contractors Private Limited which was called for at the instance of the unions which expected to show a large profit; and of Messrs Shipwrights Contractors, Pvt. Ltd. of which the Director-in-charge, Sri M. M. Banerjee, deposed as MW 3, the balancesheet being Ext. K. Ext. L shows 8.64 lakhs received from Shipping companies by submitting bills and Rs. 7.71 lakhs has been spent on wages and levy and purchase of some materials leaving a gross profit of .93 lakh. But after meeting the establishment and other charges the net profit comes only to Rs. 13,624 out of which the dividends, etc., are payable and provision for income tax has to be made. It is clear therefore that there is little available surplus left. The General Secretary of the Dock Mazdoor Union obtained statements as to wages and levy paid by Sri N. N. Mukherjee, Marine Contractors Private Limited in the course of the year 1966 vide Ext. 6 and 6A. These statements show that Rs. 5.31 lakhs was deposited by the firm as wages and 2.13 lakhs as levy. There is therefore no reason to think that the figures in the balancesheet in respect of wages and levy, etc., are wrong, after allowing the fact that the statements Ext. 6 and 6A relate to the calendar's year 1966 whereas the balancesheet, Ext. 1, is for the accounting year from 1st July, 1965 to 30th June, 1966. As regards Shipwrights Contractors Ltd., the profit and loss account, Ext. K, shows a loss of Rs. 2,133. Thus the assertion that the listed contractors are making a large profit out of chipping and painting workers is not correct. By the latest agreement the chipping and painting contractors have practically agreed to an attendance bonus of Re. 1 per shift in addition to conceding certain other benefits mentioned above. To meet the cost of the benefits the levy has been increased by the Dock Labour Board from 45 to 51 per cent of the wages by the resolution of 29th August, 1967. The chipping and painting workers therefore will have no ground in future for agitating for bonus and other benefits. The new scheme came into force on 11th September, 1967. No doubt it does not cover the claim for a production bonus or an attendance bonus for 1964-65 and 1965-66. But as I have pointed out, no such bonus was claimed; and having regard to the evidence as to the nature of work put in by the chipping and painting workers during those years, it would be difficult to accept the claim for such bonus even if such claim had been made.

15. My award therefore is that the demand for payment of a profit sharing bonus on behalf of the listed chipping and painting workers employed in Calcutta is not justified and is not sustainable under the law. Hence no calculation arises as to the rate and as to the date from which the bonus should be paid.

Dated, 23rd September 1967.

S. K. SEN, Presiding Officer.

[No. 28/54/66-LRIV.]

S. S. SAHASRANAMAN, Under Secy.

(Department of Labour and Employment)

New Delhi, the 27th September 1967

S.O. 3656.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Mondal's Bilbera Colliery, Post Office Katrasgarh, District Dhanbad and their workmen, which was received by the Central Government on the 23rd September, 1967.

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL AT DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

REFERENCE No. 64 OF 1967

PARTIES:

Employers in relation to the Mondal's Bilbera Colliery, P.O. Katrasgarh, District Dhanbad.

AND

Their Workmen.

PRESENT

Shri Nandagiri Venkata Rao, Presiding Officer.

APPEARANCES

For the Employers—Shri P. B. Mondal, Secretary to the Agent.

For the Workmen—Shri Lalit Burman, Secretary, Bihar Koyla Mazdoor Sabha.

STATE : Bihar.

INDUSTRY : Ccal.

Dhanbad, dated the 19th September, 1967.

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Mondal's Bilbera Colliery, P.O. Katrasgarh, Dist. Dhanbad and their workmen by its order No. 2/75/65-LRII, dated 26th August, 1965, referred to the Central Government Industrial Tribunal, Dhanbad, under section 10(1)(d) of the Industrial Disputes Act, 1947, for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below :

"SCHEDULE

Whether the management of the Mondal's Bilbera Colliery was justified in refusing employment to the workmen mentioned below, from the 23rd April 1965 to the 8th May 1965 and with effect from the 13th May 1965? If not, to what relief are the workmen entitled?

(1) Dasrath Chamar, Wagon Loader.

(2) Haricharan Beldar, Shale Picker."

2. The Central Government Industrial Tribunal, Dhanbad, registered the reference as reference No. 131 of 1965 on its file. The workmen filed their statement of demands. While it was pending before the Central Government Industrial Tribunal, Dhanbad, the proceeding was transferred to this Tribunal, by the Central Government by its order No. 8/25/67-LRII, dated 8th May, 1967, under section 33(B)(1) of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 64 of 1967. The employers also filed their statement of demands.

3. The affected workmen, Dasrath Chamar a wagon loader and Hari Charan Beldar, a shale picker (hereinafter referred to as the affected workmen) were in the employ of the employers colliery. The case of the workmen is that the affected workmen were rendered idle by verbal order on and from 23rd April, 1965 till 8th May, 1965 and again from 13th May, 1965 up-to-date with the mala fide intention of getting rid of the affected workmen without paying them compensation and outstanding dues. In the statement filed by them the employers had not denied that the affected workmen were rendered idle from 23rd April, 1965 to 8th May, 1965 and again from 13th May, 1965 up-to-date. Their stand is that the affected workmen were offered respectively alternate jobs of prop mazdoor and packing job in May, 1965 and the affected workmen refused them, that the alternate jobs offered would not have affected their wages and other conditions of service and that the affected workmen have joined some other colliery. The workmen were represented by Shri Lalit Burman Secretary, Bihar Koyla Mazdoor Sabha and the employers by Shri P. B. Mondal Secretary to the Agent of the employers colliery. No exhibits are marked for any party. On behalf of the workmen a witness is examined and Shri Mondal made a statement that he had no witness to examine.

4. WW1 is the Secretary, Bihar Koyla Mazdoor Sabha since 1963. He has deposed that the two affected workmen were rendered idle from 23rd April, 1965 to 8th May, 1965 and again from 13th May, 1965 up-to-date. Nothing is elicited in the cross examination to damage the case set up by the workmen. WW1 has categorically stated that to the best of his information the two affected workmen are still idle and that he has no information that either of the two is working elsewhere. There is no rebuttal evidence. As I have already stated, the employers have not denied that the two affected workmen were rendered idle from 23rd April, 1965 to 8th May, 1965 and again from 13th May, 1965 up-to-date. Their only plea was that they offered alternate jobs but the affected workmen declined to accept them. There is no material brought on record to substantiate the plea taken by the employers. There is not even oral evidence to that effect. On the contrary there is positive evidence on behalf of the workmen that the employers did not provide any alternative jobs to the affected workmen and that

they are not employed anywhere. On this material I hold that the management of Mondal's Bilbera Colliery was not justified in refusing employment to the affected workmen, Dasrath Chamar, wagon loader and Hari Charan Beldar, Shale Picker, from 23rd April, 1965 to 8th May, 1965 and again with effect from 13th May, 1965 up-to-date and, consequently, I direct that the two affected workmen be paid their wages and other emoluments for the period from 23rd April, 1965 to 8th May, 1965 and again from 13th May, 1965, till the date of their actual reinstatement as though their services were continuous and never interrupted. Considering circumstances of the case no order is passed as to costs. The award is made accordingly and submitted under section 15 of the Industrial Disputes Act, 1947.

(Sd.) N VENKATA RAO,
Presiding Officer.
Central Govt. Addl. Indl.
Tribunal, Dhanbad.

APPENDIX I

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE No. 64 OF 1967

Parties:

Employers in relation to the Mondal's Bilbera Colliery P.O. Katrasgrah, Dist. Dhanbad

AND

Their Workmen.

List of Documents Admitted in Evidence for the Employers

Distinguishing mark or number	Description of documents & date	Date of admission	Whether admitted or proved	Proved by
Nil	Nil	Nil	Nil	Nil

List of Documents Admitted in Evidence for the Workmen

Distinguishing mark or number	Description of documents & date	Date of admission	Whether admitted or proved	Proved by
Nil	Nil	Nil	Nil	Nil

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Government Additional Industrial
Tribunal, Dhanbad.

APPENDIX II

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE No. 64 OF 1967

Parties:

Employers in relation to the Mondal's Bilbera Colliery, P.O. Katrasgrah, Dist. Dhanbad

AND

Their Workmen.

List of Witnesses Examined on behalf of the Employers

No. of the witness	Name of the witness	Date of examination
Nil	Nil	Nil

List of Witnesses Examined on behalf of the Workmen

No. of the witness	Name of the witness	Date of examination
WW1	Lalit Burman	22-8-67

(Sd.) N. VENKATA RAO

Presiding Officer,
Central Government Additional Industrial Tribunal,
Dhanbad.

[No. 2/75/65-LRII.]

S.O. 3657.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Lachhami Colliery Limited, Post Office Patherdih, District Dhanbad and their workmen, which was received by the Central Government on the 23rd September, 1967.

**BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL
TRIBUNAL AT DHANBAD**

In the matter of a reference under section 10(1) (d) of the Industrial Disputes Act, 1947.

REFERENCE No. 84 of 1967.

PARTIES:

Employers in relation to the Lachhami Colliery Limited, P.O. Patherdih,
District Dhanbad.

AND

Their Workmen.

PRESENT:

Shri Nandagiri Venkata Rao—*Presiding Officer.*

APPEARANCES:

For the Employers.—Shri J. B. Sarkar, Loading Supervisor.

For the Workmen.—Shri Prasanta Burman, Secretary, Khan Mazdoor Congress.

STATE: Bihar.**INDUSTRY:** Coal.

Dhanbad, dated the 18th September 1967

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Lachhami Colliery Limited, P.O. Patherdih, Distt. Dhanbad and their workmen by its order No. 2/118/65-LRII dated, the 16th November, 1965 referred to the Central Government Industrial Tribunal, Dhanbad under Section 10(1) (d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

"SCHEDULE

Whether the management of Lachhami Colliery, P.O. Patherdin, District Dhanbad were justified in not admitting on duty Shri Awadesh Mishra, Office Peon and Shri Harinandan Singh, Fireman, on their return from one month's sanctioned leave with effect from the 5th January, 1965? If not, to what relief are the workmen entitled?

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 186 of 1965 on its file. The workmen filed their statement of demands. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceeding was transferred to this Tribunal, by the

Central Government by its order No. 8/25/67-LRII, dated 8th May, 1967, under Section 33(B)(1) of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 84 of 1967. The employers did not file their statement of demands.

3. The employers refused to admit on duty the affected workmen, Awdhesh Mishra, Office Peon and Harinandan Singh, Fireman (hereinafter referred to as the affected workmen) on their return from sanctioned leave with effect from 5th February, 1965. The case of the workmen is that the affected workmen were sanctioned leave for one month from 5th January, 1965 to 4th February, 1965, and when they reported to duty on 5th February, 1965, the employers refused to allow them to resume duty arbitrarily and without assigning any reason. The date of reference is 16th November, 1965, and in spite of having such a long time at their disposal the employers did not choose even to file their statement of demands. On 14th September, 1967, the workmen were represented by Shri Prasanta Burman, Secretary, Khan Mazdoor Congress and the employers by Shri J. B. Sarkar, Loading Supervisor. On behalf of the employers an application was submitted to adjourn the case stating that they wanted time to produce documents. As the employers had not filed their statement of demands denying the case of the workmen nor did the workmen call upon the employers to produce any documents, the question of producing documents by the employers did not arise. Consequently, the adjournment sought for was refused. On behalf of the workmen a witness is examined and Shri J. B. Sarkar representing the employers declined to cross examine him. He also made a statement that he had no witness to examine.

4. Harinandan Singh, fireman, one of the two affected workmen examined himself as WW1. He deposed that he and the other affected workman proceeded on sanctioned leave of one month and when both of them reported to duty on the schedule date the employers declined to admit them, saying that they had no work to provide. According to his evidence both the workmen were old employees having put in service of 13 years. It also appears from the failure report of the Conciliation Officer that in spite of notice and adjournments the employers did not choose to appear before the Conciliation Officer and contest the case set up before him by the union. On this material I hold that the management of Lachhami Colliery Limited, P.O. Patherdih, Distt. Dhanbad were not justified in not admitting on duty the affected workmen, Awdhesh Mishra, Office Peon and Harinandan Singh, Fireman on their return from one month's sanctioned leave with effect from the 5th February, 1965 and, consequently, I direct that they be paid their wages and other emoluments with effect from 5th February, 1965, till the date of their actual reinstatement as though their services were continuous and never interrupted. Considering circumstances of the case no order is passed as to costs. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

Sd./- N. VENKATA RAO,

Presiding Officer,

Central Government Additional Industrial Tribunal,
Dhanbad.

APPENDIX I

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE NO. 84 OF 1967

PARTIES:

Employers in relation to the Lachhami Colliery Ltd., P.O. Patherdih, Distt. Dhanbad.

AND

Their Workmen.

List of Documents Admitted in Evidence for the Employers

Distinguishing mark or number	Description of document & date	Date of admission	Whether admitted or proved	Proved by
Nil	Nil	Nil	Nil	Nil

List of Documents admitted in evidence for the Workmen

Distinguishing mark or number	Description of document & date	Date of admission	Whether admitted or proved	Proved by
Nil	Nil	Nil	Nil	Nil

(Sd.) N. VENKATA RAO,
 Presiding Officer,
 Central Government Additional Industrial Tribunal, Dhanbad.

APPENDIX II

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL TRIBUNAL AT DHANBAD

REFERENCE NO. 84 OF 1967

PARTIES :

Employers in relation to the Lachhami Colliery Limited, P.O. Patherdih, Distt. Dhanbad.

AND

Their Workmen.

List of Witnesses examined for the Employers

No. of Witness	Name of the witness	Date of examination
Nil	Nil	Nil

List of Witnesses examined for the Workmen

No. of witness	Name of the witness	Date of examination
WWI	Harinandan Singh	14-9-67

(Sd.) N. VENKATA RAO,
 Presiding Officer,
 Central Government Additional Industrial
 Tribunal, Dhanbad

[No. 2/118/65-LR.II.]

S.O. 3658.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the B. Roy's Ramkanali Colliery, Post Office Katrasgarh, District Dhanbad and their workmen, which was received by the Central Government on the 23rd September, 1967.

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL
TRIBUNAL AT DHANBAD.

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 76 OF 1967

PARTIES:

Employers in relation to the B. Roy's Ramkanali Colliery, P.O. Katrasgarh,
District Dhanbad.

AND

Their Workmen.

PRESENT:

Shri Nandagiri Venkata Rao—*Presiding Officer*.

APPEARANCES:

For the Employers.—None.

For the Workmen.—Shri N. Laik, Advocate.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 15th September 1967

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the B. Roy's Ramkanali Colliery, P.O. Katrasgarh, District Dhanbad and their workmen by its order No. 2/102/65-LRII, dated 20th October, 1965, referred to the Central Government Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

"SCHEDULE

Whether the management of B. Roy's Ramkanali Colliery, P.O. Katrasgarh, District Dhanbad terminated the services of Shri Biswanath Viswakarma, Line Mazdoor, with effect from the 15th July, 1965, without any justification? If so, to what relief is the workman entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 170 of 1965 on its file. The employers filed their statement of demands. While it was pending before the Central Government Industrial Tribunal Dhanbad the proceeding was transferred to this Tribunal, by the Central Government by its order No. 8/25/67-LRII, dated 8th May, 1967, under Section 33(B)(1) of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 76 of 1967. The workmen did not file their statement of demands.

3. The case was fixed for hearing on 4th September, 1967. But on 2nd September, 1967, the affected workman appeared in person and filed a compromise memo stating that the dispute between him and the employers was amicably settled to his entire satisfaction and that there remained no more dispute to be enquired into. The memo was duly verified and the affected workman was identified by Shri N. Laik, Advocate. As there is no more dispute left for enquiry the reference is closed and the award is made and submitted accordingly under Section 15 of the Industrial Disputes Act, 1947. The copy of the compromise memo is annexed herewith and made part of the award.

Sd./- N. VENKATA RAO,
Presiding Officer,

Central Government Additional Industrial Tribunal,
Dhanbad.

**BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT ADDITIONAL
INDUSTRIAL TRIBUNAL, DHANBAD.**

A. T. REFERENCE No. 76 OF 1967

Employers in relation to the B. Roy's Ramkanali Colliery

AND

Their Workmen.

The humble petition on behalf of the employers above-named and Sri Biswa Nath Biswakarma the workman concerned.

Most respectfully sheweth:—

(1) That I Sri Biswanath Biswakarma the workman concerned was not the member of the Colliery Mazdoor Sangh on or before 15th July, 1965.

(2) That I Sri Biswanath Biswakarma worked in B. Roy's Ramkanali Colliery for a few days in the month of January, 1965, and thereafter of my own accord towards the end of January, 1965 I left the service.

(3) That I Sri Biswanath Biswakarma by an application to the Regional Labour Commissioner (C) Dhanbad duly supported by an affidavit dated 18th October, 1965, has stated the correct state of affairs.

(4) That neither on the date of present reference i.e., on 20th October, 1965, nor on subsequent date there exist any dispute between the parties which needs adjudication.

(5) That all alleged existing or apprehended dispute has been amicably settled between myself and my employers.

(6) That I Sri Biswanath Biswakarma do not want to prosecute the present reference nor has authorised any body or person to do the same on my behalf.

It is therefore humbly prayed that the above compromise may kindly be recorded and an Award passed in terms thereof.

Sd./- BISWANATH BISWAKARMA,
Workman concerned.

For Employers,

Sd./- Illegible,
Manager,
Ramkanali Colliery.

Explained the above and signed in my presence.

Witness:—

Sd./- Illegible,
Advocate for the Workman
2-9-1967

[No. 2/102/65-LRII.]

S.O. 3659.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Sarpi Kajora Colliery, Post Office Ukhra, District Burdwan and their workmen, which was received by the Central Government on the 23rd September, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 1 OF 1967

PARTIES:

Employers in relation to the Sarpi Kajora Colliery

AND

Their Workmen

PRESENT:

Shri S. K. Sen, Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri K. P. Mukherjee, Advocate.

On behalf of Workmen—Shri K. C. Mitra, Advocate.

STATE: West Bengal

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/86/66-LRII, dated 26th December, 1966, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Sarpi Kajora Colliery, P.O. Ukhra, Dist. Burdwan and their workmen in respect of the matter specified in the following schedule:

"Whether the action of the management of Sarpi Kajora Colliery in suspending Sarvashri Dilram Harijan and Jagdish Harijan, Loaders with effect from the 7th August, 1966 and their subsequent dismissal with effect from the 24th August, 1966 was justified. If not, to what relief are these workmen entitled?"

2. Both the workmen concerned, Dilram Harijan and Jagdish Harijan were underground loaders employed at Sarpi Kajora colliery. The charge against them was that on 5th August, 1966 when they were on duty in the first shift they were found sleeping at about 11.30 A.M. by the side of the track instead of doing their duty. Both the workmen were chargesheeted on 6th August 1966, as the workmen did not accept the copies of the chargesheets when delivered by hand, copies were sent by registered post on 7th August 1966 along with a letter from the Manager suspending them with effect from that date (7th August 1966). Acknowledgement of service of the letter and the copy of the chargesheet was received in each case. Thereafter enquiry notices were issued on 11th August 1966 fixing 14th August 1966 for enquiry. The enquiry was held by the Labour Welfare Officer, I.P. Singh, on 14th August 1966. Both the workmen were present at the enquiry. On the basis of the finding made by the enquiring officer at the enquiry, both the workmen were ultimately dismissed with effect from 24th August 1966. The union in its written statement alleged that both the workmen were active members of the branch of the Colliery Mazdoor Union which was not recognised by the management; and that the management wanted to get rid of them and so served false chargesheet on them and that at the enquiry the workmen were not allowed the opportunity to cross examine the company's witnesses and to produce evidence in their defence.

3. At the hearing the workmen have not appeared although on behalf of the union Sri K. C. Mitra, Advocate appeared and cross-examined the witness examined for the management and represented the case of the union. There is however no material to support the allegation which was made in the union's written statement that Dilram Harijan and Jagdish Harijan were active members of the branch of the Colliery Mazdoor Union at the colliery. As regards the truth of the charge of sleeping on duty, this was proved at the domestic enquiry. On a perusal of the records of the domestic enquiry it appears that there was evidence justifying the finding that the charge had been proved. It is also not correct that the chargesheeted workmen had no opportunity to defend themselves, because one witness Baijnath Rabidas was examined as a defence witness. As regards opportunity to cross examine the management's witnesses, the enquiring officer has stated before the tribunal that the accused were asked to cross examine the witnesses but they refused to do so.

4. The manager on receiving the report of the enquiring officer obtained approval of the agent to the dismissal order. Thus the order of dismissal passed in the case cannot be successfully challenged by the union.

5. My award therefore is that the action of the management in suspending Dilram Harijan and Jagdish Harijan from 7th August 1966 and dismissing them with effect from 24th August, 1966 was justified and the workmen are not entitled to any relief.

(Sd.) S. K. SEN,

Presiding Officer.

[No. 6/86/66-LRII.]

Dated, 20th September, 1967.

New Delhi, the 28th September 1967

S.O. 3660.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Sarpi Kajora Colliery, Post Office Ukhra, District Burdwan and their workmen, which was received by the Central Government on the 26th September, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 18 of 1967

PARTIES:

Employers in relation to the Sarpi Kajora Colliery
AND
Their Workmen.

PRESENT:

Shri S. K. Sen, Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri K. P. Mukherjee, Advocate.

On behalf of Workmen—Shri K. C. Mittra, Advocate.

STATE: West Bengal

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/97/66-LRII, dated 18th February, 1967, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Sarpi Kajora Colliery, P.O. Ukhra, Dist. Burdwan and their workmen in respect of the matter specified in the following schedule:

“Whether the dismissal of Shri Balchand Harijan, Loader of Sarpi Kajora Colliery with effect from the 21st August, 1966 was an act of victimisation for trade union activities? If so, to what relief is he entitled?”

2. Balchand Harijan was an underground loader employed at Sarpi Kajora Colliery. According to the management, he was concerned in a riot which took place at the colliery on 21st June, 1966; in the course of the riot the colliery premises were damaged and two chaprasis, namely Nada Kr. Singh and Ramdeo Singh were seriously assaulted. The management started a police case over this incident naming 17 persons including both workmen and outsiders as concerned in the riot, and the police took up the case under Sec. 148, 379 and 307 I.P.C. and the accused arrested were produced from time to time before the Sub-divisional Magistrate Asansol. On 30th July 1966 the manager drew up chargesheet against Balchand Harijan for being concerned in such riot. A copy of the chargesheet was sent by registered post and acknowledgement of service was received. The notice of enquiry was issued on 11th August 1966 and acknowledgement of service of the notice of enquiry was also received in due course. Thereafter on 19th August 1966 the Labour Welfare Officer, I. P. Singh, held the enquiry. At the enquiry Balchand Harijan was not present and the enquiry was held *ex-parte*. 5 witnesses were examined for the management. On receiving the report of the enquiring officer after obtaining approval of the agent to the proposed order of dismissal, the manager passed the order of dismissal on 21st August 1966.

3. The union did not file the written statement in time on the issue of notice by the tribunal, and a warning letter was issued on the union that unless it filed its written statement by 19th June 1967 the case would be heard *ex-parte*. The representative of the union appeared with a copy of the written statement only on 20th September 1967, the date notified for hearing of the case. The written statement was accepted and Shri K. C. Mittra, Advocate appearing for the union was permitted to conduct the case on behalf of the union; but Balchand Harijan, the workman concerned did not appear. The enquiring officer was examined as a witness for the management and was duly cross examined.

4. In the written statement filed by the union it has been alleged that Balchand Harijan became a member of the Colliery Mazdoor Union and did some organisational work for the union and that this was not liked by the management and therefore the management stopped Balchand Harijan from work with effect from 23rd June 1966. The union reported the matter to the A.L.C., Central, Asansol but in the meantime the management served a chargesheet on Balchand Harijan and the A.L.C. advised Balchand to appear at the enquiry. Balchand went to the office of the manager accordingly for the enquiry, but the manager got him arrested by the police so that the workman could not be present at the enquiry. According to the union, the action of the management amounted to victimisation of Balchand Harijan for his trade union activities.

5. Exhibit G is the certified copy of the ordersheet of the Sub-divisional Magistrate Asansol in respect of the police case under Sec. 148, 379 and 307 I.P.C. which was started in connection with the riot which is alleged to have taken place at the

colliery on 21st June 1966. The ordersheet shows that Balchand Harijan was produced under arrest on 15th July 1966; on behalf of Balchand and several other accused a bail petition was moved on 22nd July 1966 and the Magistrate by an order dated 28th July 1966 allowed the bail petition. The order dated 8th August 1966 shows that all the 17 accused were on bail. The enquiry was held on 19th August 1966. It is not therefore correct that on the eve of the enquiry the management caused Balchand Harijan to be arrested by the police in order to prevent his appearance at the enquiry. The acknowledgement receipt in connection with the service of the chargesheet by registered post and the service of notice of enquiry by registered post both bear the signature of Balchand Harijan in Hindi. The bail order had been passed on 28th July 1966 in respect of Balchand Harijan and other accused, and after the chargesheet had been drawn up by the management on 30th July, 1966 Balchand was on bail. There was nothing therefore to prevent his appearance at the enquiry. The union, therefore, cannot complain that an *ex-parte* enquiry was held by the management in connection with the chargesheet served on Balchand Harijan. Five witnesses were examined at the enquiry. There was evidence to support the finding of the enquiring officer that the charges were proved against Balchand Harijan. The order of dismissal was passed on 21st August, 1966 after obtaining the approval of the agent. Thus the dismissal order cannot be successfully challenged by the union, and there is nothing to show that the dismissal amounted to victimisation of Balchand Harijan for his trade union activities.

6. My award, therefore, is that the dismissal of Balchand Harijan, Loader of Sarpi Kajora Colliery with effect from 21st August, 1966 was not an act of victimisation for his trade union activities and therefore the workman is not entitled to any relief.

(Sd.) S. K. SEN,

Date, 20th September, 1967.

Presiding Officer.

[No. 6/97/66-LRII.]

S.O. 3661.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Ena Colliery of Messrs North West Coal Company Limited, Post Office Dhansar, District Dhanbad and their workmen, which was received by the Central Government on the 25th September, 1967.

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL AT DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE NO. 37 OF 1967

PARTIES:

Employers in relation to the Ena Colliery of Messrs North West Coal Company Limited, Post Office Dhansar, Distt. Dhanbad.

AND

Their Workmen

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

APPEARANCES

For the Employers: Shri S. S. Mukherjee, Advocate

For the Workmen: Shri Shanker Bose, Secretary, Colliery Mazdoor Sangh.

STATE: Bihar

INDUSTRY: Coal

Dhanbad, dated the 11th September 1967
20th Bhadra, 1889.

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Ena Colliery of Messrs North West Coal Company Limited, Post Office Dhansar, Distt. Dhanbad and their workmen, by its order No. 2/44/65-LRII, dated 6th May, 1965 referred to the Central Government Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act,

1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

"SCHEDULE

'Whether the dismissal, with effect from the 22nd December, 1964, of Shri Ismile Mian, No. 5 Pit, by the management of the Ena Colliery of Messrs North West Coal Company Limited, was justified? If not, to what relief is the workman entitled?'

2. The Central Government Industrial Tribunal, Dhanbad, registered the reference as reference No. 73 of 1 65 on its file. The employers filed their statement of demands. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceeding was transferred to this Tribunal, by the Central Government by its order No. 2/25/67-ERII, dated 28th May, 1967 under Sec. 33 (B) (1) of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 37 of 1967. On behalf of the workmen also statement of demands is filed.

3. Ismile Mian (hereinafter referred to as the affected workman) was a miner in No. 5 Pit of the employers colliery. On 14th July, 1964 the affected workman was on duty in 2nd shift at the pit along with other miners. At about 6 P.M. he and other miners left their work and came out of the pit. They returned to the work about two hours later. The employers served a chargesheet to the affected workman alleging misconduct on his part and the affected workman submitted his reply. A departmental enquiry was conducted and on finding the affected workman guilty of the charge, the employers dismissed him from service through their letter dated 22nd December, 1964. The case of the workmen is that the affected workman did not leave underground working place with a view to deserting work but he did so to make a complaint about the large quantity of water accumulated at the working faces and unbearable heat generated in the pit. It is further stated that the departmental enquiry conducted by the employers was neither proper nor was the affected workman given sufficient opportunity to defend himself and that the dismissal of the affected workman was most arbitrary and unjust. It is also stated that the affected workman was working at the colliery since a long time with a spotless record of service, that although several miners had temporarily left their duties along with the affected workman, the employers picked up only the affected workman and awarded him the maximum punishment and that the employers were actuated by extraneous considerations and mala fide motive in doing so. The stand taken by the employers is that in the departmental enquiry the misconduct mentioned in the charge, namely, that the affected workman had abandoned his work without permission and instigated others to do so, was satisfactorily established, that during the enquiry the affected workman was given full opportunities to defend himself and cross examine the prosecution witnesses, that for similar misconduct committed on the same date another miner, Fatehali Mia was also dismissed after the charge against him was established in the departmental enquiry and that the dismissal of the affected workman was justified and was based on proved misconduct.

4. The workmen were represented by Shri Shankar Bose, Secretary, Colliery Mazdoor Sangh and the employers by Shri S. S. Mukherjee, Advocate. By consent of the workmen Exts. M1 to M4 were marked for the employers and by consent of the employers Exts. W1 and W2 were marked for the workmen. The workmen and employers examined a witness each. It is not in dispute that on 14th July, 1964, during the second shift the affected workman and a few others left their work underground, came out of the pit and went back to their work after about two hours. According to the employers the affected workman left his work without permission and for no valid reason and instigated others to do so and thus caused stoppage of work for two hours, while the contention of the workmen is that the affected workman came out of the pit with the bona fide intention of complaining to the authority about the accumulation of water and unbearable heat in the pit. The whole case hinges upon the validity and sufficiency of the departmental enquiry conducted by the employers. The chargesheet served on the affected workman is Ext. M1. It clearly alleged that the affected workman left his working place without permission and instigated other miners to go out of the mine and thus caused complete stoppage of work for about two hours. In his reply to the charge levelled against him the affected workman had denied that he had left his job for no valid reason and stated that he did so with a view to report to the authorities as he did previously about the inconvenience caused in the pit owing to accumulation of water and excessive heat. He denied that he had instigated other miners or was responsible

work for about two hours. Ext. M2 is the enquiry proceeding, inclusive of the statements of C. L. Mathur, Overman, No. 5 Pit, Aloke Dey, Munshi Imamali, Mining Sirdar, Ajij Mia, Miner for prosecution and of the affected workman and another miner Fatehali Mia. Each of the statements of the prosecution witnesses shows that the affected workman was present during the enquiry, he was given an opportunity to cross-examine the witness and he declined to do so. The affected workman also refused to produce his defence witnesses. Ext. M3 is the enquiry report, in which the enquiry officer has given a finding that the affected workman was guilty of the charge and stated that he was guilty of misconduct of serious nature and that, as such, punishment may be awarded to him accordingly. The chargesheet, Ext. M1 shows that on the recommendation of the Manager, the Director approved dismissal of the affected workman. Ext. M4 is the dismissal order. It must be remembered that Exts. M1 to M4 are admitted by the workmen. It is neither alleged nor shown how the departmental enquiry was against principles of natural justice or that the affected workman was not given an opportunity to defend himself. It is not even shown how the finding of the Enquiry Officer is perverse. It is settled law that the Tribunal cannot go into the departmental enquiry as the appellate authority, enter into appreciation of evidence and substitute its own conclusion for the one of the Enquiry Officer. Under para 27(18) of the certified standing orders of the employers colliery leaving work without permission is a misconduct and the employee guilty of it may be suspended, fined or dismissed. Shri Shankar Bose, the learned representative of the workmen has argued that the chargesheet, Ext. M1 did not refer to the relevant paragraph of the standing orders. But it was clearly alleged that the affected workman left his work place without permission and that is a misconduct under clause 18 of para 27 of the standing orders. Not mentioning the number of the paragraph in the chargesheet can be of no consequence. It is next argued that the affected workman had sufficient reason to leave his work place, in as much as there was accumulation of water and unbearable heat. The Enquiry Officer's finding is against the contention. That apart, the affected workman worked in the 2nd shift and there was no complaint about the prevailing conditions in the pit when the first shift and the 3rd shift worked. Admittedly, the affected workman also continued to work in the 2nd shift after stopping the work for about two hours. If the heat in the pit was unbearable it is not convincing how he could work till the end of the shift having gone back into the pit. For all these reasons I do not find any ground to interfere in the finding of the Enquiry Officer or to hold that the dismissal of the affected workman as not justified.

5. In the result, I find that the dismissal with effect from 22nd December, 1964 of the affected workman, Shri Ismaile Mian, Miner, No. 5 Pit, by the management of the Ena Colliery of M/s. North West Coal Co. Ltd., was justified and, as such, the affected workman is not entitled to any relief. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,

Presiding Officer,
Central Government Additional
Industrial Tribunal, Dhanbad.

APPENDIX I

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE NO. 37 OF 1967

PARTIES: Employers in relation to the Ena Colliery of Messrs North West Coal Company Limited, Post Office Dhansar, Dist. Dhanbad.

AND

Their Workmen.

List of documents admitted in evidence for employers

Distinguishing mark or number	Description of documents and date	Date of admission	Whether admitted or proved	Proved by
Ext. M 1	Original chargesheet with reply	12-7-67	Admitted	..
Ext. M 2	Original proceedings of the departmental enquiry.	Do.	Do.	..
Ext. M 3	Report of the Enquiry Officer dt. 4-9-64	Do.	Do.	..
Ext. M 4	Office copy of the letter of dismissal.	Do.	Do.	..

List of Documents admitted in Evidence For workmen

Distinguish - ing mark or number	Description of documents and date	Date of admission	Whether admitted or proved.	Proved by
Ext. W 1	Copy of letter dt. 15-2-65 by Shri S. Das Gupta, Secretary, Colliery Mazdoor Sangh to the Conciliation Officer (C), Dhanbad.	12-7-67	Admitted	..
Ext. W 2	Copy of letter dt. 5-4-65 by Shri A.S. Gupta, Conciliation Officer (C), Dhanbad to the Chief Labour Commissioner, New Delhi.	Do.	Do.	..

(Sd.)

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Government Additional
Industrial Tribunal at Dhanbad.

APPENDIX II

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL
TRIBUNAL AT DHANBAD

PARTIES :

REFERENCE No. 37 OF 1967

Employers in relation to the Ena Colliery of Messrs North West Coal Company Limited, Post Office Dhansar, Dist. Dhanbad.

AND

Their Workmen.

List of Witness Examined for the Employers

No. of witness	Name of witness	Date of examination
MW 1	B. K. Sinha.	24-7-1967

List of Witness Examined for the Workmen

No. of witness	Name of witness	Date of examination
WW 1	Ismile Mian	24-7-1967.

Sd/ N. VANKATA RAO,
Presiding Officer,
Central Govt. Additional Industrial Tribunal
at Dhanbad
[No. 2/44/65-LRII.]

New Delhi, the 5th October 1967

S.O. 3662.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Mondal's Bilbera Colliery, Post Office Katrasgarh, District Dhanbad and their workmen, which was received by the Central Government on the 27th September, 1967.

**BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL
AT DHANBAD**

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 67 of 1967.

PARTIES :

Employers in relation to the Mondal's Bilbera Colliery, P.O. Katrasgarh, Dist. Dhanbad.

AND

Their Workmen

PRESENT :

Shri Nandagiri Venkata Rao, Presiding Officer.

APPEARANCES :

For the Employers: Shri K. N. Mondal, Clerk.

For the Workmen: Shri Lalit Burman, Secretary, Bihar Koyla Mazdoor Sabha.

STATE: Bihar

INDUSTRY: Coal.

Dhanbad, dated the 20th September, 1967.

29th Bhadra, 1889.

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Mondal's Bilbera Colliery, P.O. Katrasgarh, Dist. Dhanbad and their workmen by its order No. 2/81/65-LRII dated 2nd September 1965 referred to the Central Government Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

"SCHEDULE

Whether the management of Mondal's Bilbera Colliery refused employment to Shri Burhan Singh Onsetler, with effect from the 10th March, 1965 without any justification? If so, to what relief is the workman entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 138 of 1965 on its file. The workmen filed their statement of demands. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceeding was transferred to this Tribunal, by the Central Government by its order No. 8/25/67-LRII, dated 8th May, 1967 under section 33(B)(1) of the Industrial Disputes Act, 1947. Consequently the reference is re-numbered on the file of this Tribunal as reference No. 57 of 1967. The employers also filed their statement of demands.

3. The management closed the working of the colliery of the employers with effect from 23rd November 1964 laying off the workmen and it resumed work with effect from 10th March 1965. These facts are not in dispute. The case of the workman is that Burhan Singh (hereinafter referred to as the affected workman) also reported to duty along with others, on 10th March 1965, but the management of the employers did not allow him to work without assigning any reason. The stand taken by the employers is that from 23rd November 1964 till 28th April 1965 the affected workman remained absent from the colliery, and on that account, a chargesheet dated 9th May 1965 was issued to him, that he refused to accept the chargesheet when personally delivered to him and, as such, it was despatched by registered A/D and was returned undelivered, that again the chargesheet was sent to his home address with a covering letter dated 27th May 1965, that he received the chargesheet but did not submit any explanation, that again a letter was sent to him on 29th May 1965 informing him the date of enquiry as 7th July 1965, that he attended the departmental enquiry, that on 4th January 1966 a letter was received from him that he had joined the Bokaro Steel Project; that he has withdrawn his provident fund and that under the above circumstances he is not entitled to any relief.

4. When the case was taken up for enquiry after notice to parties on 17th August 1967, the workmen were represented by Shri Lalit Burman, Secretary, Bihar Koyla Mazdoor Sabha. In spite of waiting till 12-30 P.M. no one appeared on behalf of the employers, although they were served with notice of the hearing on

21st July, 1967. Thus, the case was proceeded with in accordance with Rule 22 of the Industrial Disputes (Central) Rules, 1957 as though the employers were present or duly represented. On behalf of the workmen a witness was examined and Exts. W1 to W12 were marked. Arguments were heard and award was reserved. At that stage Shri K. N. Mondal, a clerk of the employers colliery appeared. He did not seek to cross examine the witness and made a statement that he had no witness to examine and no arguments to address.

5. Ext. W1 is a copy of the letter addressed by the General Secretary, Bihar Koyla Mazdoor Sabha to the Conciliation Officer (C), Dhanbad on 24th March, 1965 complaining that after restarting the work in the mine from 10th March, 1965 the management has not given employment to a number of workers. The name of the affected workman is at Sl. No. 2 in the annexure to the letter. WW1 says that the employers gave an understanding before the Conciliation Officer to provide the affected workman with the employment but they do not do so. On 4th May, 1965 the affected workman sent a letter, Ext. W2 to the Manager complaining about the same thing. This letter was received by the Manager on 7th May, 1965, as is seen from the acknowledgement, Ext. W3. After the Manager issued the letter, Ext. W5 to the affected workman on 27th May, 1965, the chargesheet issued by the chargesheet dated 9th May, 1965. Ext. W5 says, "since the above chargesheet was returned undelivered to us from your colliery address the same is being sent herewith to your home address for your necessary action". It follows, that the very chargesheet which the Manager says was sent earlier to the affected workmen was enclosed to the letter, Ext. W5. In paragraphs 6 and 7 of the statement of employers also it is stated that the chargesheet was despatched per registered A/D, and was returned undelivered and, as such, the same chargesheet was sent to the home address of the affected workman on 27th May, 1965. But it is significant to note that the chargesheet accompanying Ext. 5 is dated 9th May, 1965 but under the signature of the Manager the date 27th May, 1965 is found. It is manifest that the chargesheet with date 9th May, 1965 was prepared actually on 27th May, 1965. This supports the allegation of the workmen that the chargesheet was deliberately anti-dated to 9th May, 1965. To the letter, Ext. W5 the affected workman sent a reply on 3rd June, 1965, Ext. W7 submitting his explanation to the charges levelled against him, stating that he was not given work when he approached the Manager after the colliery re-started working. In the statement, the opposite party states that they had not received any reply to the chargesheet. But the letter Ext. W7 was returned with the endorsement "refused". The returned letter along with the cover is, Ext. W8. Then the employers sent the letter, Ext. W10 dated 29th June, 1965 to the affected workman stating that the departmental enquiry against him was fixed on 7th July, 1965 at 9.00 A.M. The workmen stated that there was no enquiry and the employers statement is that the affected workman did not attend the enquiry. However, that may be, no enquiry record is brought forth to show as to who held the enquiry, in what manner and whether it was in conformity with the principles of natural justice. While stating categorically in para 9 of the statement that the affected workman "neither attended the above departmental enquiry nor reported for duties", in the letter of dismissal, Ext. W12 dated 30th July, 1965 addressed to the affected workman the Agent of the employers says, "in the departmental enquiry held in your presence on 7th July, 1965 wherein you are given full chance and opportunity to cross-examine the witness and defend yourself". Obviously, the contents of the letter are absolutely false. It is also significant to note that in respect of the dispute the Conciliation Officer had sent his failure report on 23rd July, 1965 and this dismissal order Ext. W12 is issued on 30th July, 1965. Therefore, it emerges from the above material that regarding the alleged absence of the affected workman from 23rd November, 1964 there was no departmental enquiry of any kind and the dismissal of the affected workman through the letter Ext. W12 was absolutely unwarranted and illegal.

6. I, therefore, hold that the management of Mondal's Bilbera Colliery refused employment to the affected workman, Burhan Singh, Onsetter with effect from 10th March, 1965 without any justification and, as such, the affected workman is entitled to his wages and other emoluments from 10th March, 1965 to the date of his actual reinstatement to his original post as though his service was continuous and never interrupted. The award is made accordingly and submitted under Sec. 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,
Presiding Officer,

Central Government Additional Industrial
Tribunal, Dhanbad.

APPENDIX I

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL
TRIBUNAL AT DHANBAD

REFERENCE NO. 67 OF 1967

PARTIES :

Employers in relation to the Mondal's Bilbera Colliery, P.O. Katrasgarh, Dist. Dhanbad.

AND

Their Workmen.

List of Documents admitted in evidence for Employers

Distinguishing mark or number	Description of document & date	Dt. of admission	Whether proved or admitted	Proved by
Nil	Nil	Nil	Nil	Nil

List of Documents admitted in evidence for workmen

Distinguishing mark or number	Description of document & date	Dt. of admission	Whether admitted or proved	Proved by
Ext. W1	Letter dt. 24-3-65 from General Secretary, B.K.M.S. to Conciliation Officer (C), Dhanbad, I.	17-8-67	Proved	WW 1
Ext. W2	Letter dt. 4-5-65 from Burhan Singh to Manager, Mondal's Bilbera Colliery.	-do-	-do-	-do-
Ext. W3	A/D. card addressed to Manager.	-do-	-do-	-do-
Ext. W4	Letter dt. 27-5-65 from Manager to Burhan Singh.	-do-	-do-	-do-
Ext. W5	Original letter dt. 27-5-65 from Manager to Burhan Singh.	-do-	-do-	-do-
Ext. W6	Letter dt. 3-6-65 from Burhan Singh to Manager.	-do-	-do-	-do-
Ext. W7	-do- (original)	-do-	-do-	-do-
Ext. W8	Postal envelope with A/D. card.	-do-	-do-	-do-
Ext. W9	Letter dt. 29-6-65 from Agent to Burhan Singh.	-do-	-do-	-do-
Ext. W10	-do- (original)	-do-	-do-	-do-
Ext. W11	Letter dt. 30-7-65 from Agent to Burhan Singh.	-do-	-do-	-do-
Ext. W12	-do- (original)	-do-	-do-	-do-

Sd/- N. VENKATA RAO,
Presiding Officer,Central Govt. Additional Industrial Tribunal
at Dhanbad

APPENDIX II
BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL
AT DHANBAD.

REFERENCE No. 67 OF 1967

PARTIES :

Employers in relation to the Mondal's Bilbera Colliery, P.O. Katrasgarh, Dist. Dhanbad.
AND
Their Workmen.

List of witnesses examined on behalf of the employers

No. of witness	Name of the witness	Date of examination
Nil	Nil	Nil

List of witnesses examined on behalf of the workmen

No. of witness	Name of the witness	Date of examination
WW1	Shri Lalit Burman	17-8-1967

Sd/- N. VENKATA RAO,
Presiding Officer.
Central Government Additional Industrial Tribunal
at Dhanbad.

[No. 2/81/65-LRII.]

S.O. 3663.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Dhanbad, in the Industrial dispute between the employers in relation to the Ena Colliery of Messrs North West Coal Company Limited, Post Office Dhansar, District Dhanbad and their workmen which was received by the Central Government on the 27th September, 1967.

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL
TRIBUNAL AT DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 59 OF 1967

PARTIES:

Employers in relation to the Ena Colliery of Messrs North West Coal Company Limited, P.O. Dhansar, Dist. Dhanbad.

AND

Their Workmen.

PRESENT:

Shri Nandagiri Venkata, Rao, Presiding Officer.

APPEARANCES:

For the Employers—Shri S. S. Mukherjee, Advocate.

For the Workmen—Shri Shanker Bose, Secretary, Colliery Mazdoor Sangh.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 18th September 1967
27th Bhadra, 1889

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Ena Colliery of Messrs North West Coal Company Limited (P.O. Dhansar, District Dhanbad) and their workmen, by its order No. 2/23/65/LRII dated 6th August, 1965 referred to the Central Government

Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

"SCHEDULE

'(1) Whether the action of the management of the Ena Colliery of M/s. North West Coal Company Limited in terminating the service of Shri Ali Hussain, Pump Khalasi, with effect from the 17th October, 1964 was legal and justified?

(2) If not, to what relief is the workman entitled ?'

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 125 of 1965 on its file. The employers filed their statement of demands. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceeding was transferred to this Tribunal, by the Central Government by its order No. 8/25/67-LRII dated 8th May, 1967 under section 33(B)(1) of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 59 of 1967. Statement of demands on behalf of the workmen also is received.

3. The service of the affected workman, Ali Hussain (hereinafter referred to as the affected workman) was terminated with effect from 17th October, 1964. The case of the workman is that the affected workman has been working as a Pump Khalasi continuously since 1960 in the permanent cadre of the colliery of the employers, that during the quarter ending December, 1961 he had put in continuous service of more than six months and, as such, became a permanent employee in terms of the service conditions applicable to the workmen of the colliery and that his discharge without notice or without being shown any reason whatsoever was in contravention of the provisions of the standing orders and was, therefore, illegal and unfair labour practice. The employers denied that the affected workman was a permanent Pump Khalasi in the colliery. It is stated that he was a Badli worker, that since his appointment on 21st February, 1961 he worked in different capacities, such as, a bailing mazdoor, line mazdoor, pump khalasi etc., as and when necessity arose, that his service was not continuous even in the above different jobs, that he worked intermittently in different capacities from 21st February, 1961 to 19th May, 1962 and thereafter absented for more than a year, that he rejoined on 3rd July, 1963 and worked upto 28th July, 1963 and again left his appointment, that during this period also he worked in different capacities with occasional breaks, that he joined the colliery again on 10th May, 1964 and worked till 16th October, 1964 with breaks in different jobs, that the management did not find it necessary to continue his service and, as such, no badli work was allotted to him from 17th October, 1964 and that the action of the management was legal and justified.

4. The workmen were represented by Shri Shanker Bose, Secretary, Colliery Mazdoor Sangh, and the employers by Shri S. S. Mukherjee, Advocate. The workmen examined a witness and by consent of the employers Exts. W1 and W2 were marked for them. On behalf of the employers also a witness is examined and by consent of the workmen Exts. M1(a), M1(b), M1(c), M1(d), M2(a), M2(b), and M3 are marked. The case of the workmen was that the affected workman has been working as a pump khalasi in the permanent cadre from 1960. But the affected workman, who examined himself as WW1, does not even say that he worked in a permanent cadre. He simply deposed that after joining service in 1961 he worked for a year as a bailing mazdoor and then as a pump khalasi. So, his case that he worked from 1960 as a Pump Khalasi is negated by his own evidence. Admittedly, he has no appointment letter addressed by the General Secretary, Colliery Mazdoor Sangh to the fund receipt for the year ending 1963 and Ext. W2 is the office copy of the letter addressed by the General Secretary, Colliery Mazdoor Sangh to the Conciliation Officer (C), Dhanbad, raising the industrial dispute on his behalf by themselves through the letter do not prove anything. It is not shown how the provident fund receipt for the year ending 1963, Ext. W1 can give rise to the inference that the affected workman was in the permanent cadre. My attention is drawn to para 25 of the Coal Mines Provident Fund Scheme which deals with the class of employees required to join the fund. It simply says that every employee in a coal mine to which the Scheme applies, other than an excluded employee, shall be required to join the fund and become member immediately after the end of the quarter following any quarter after the 30th September, 1948, in which he qualified for a bonus under sub-paragraph (b) of paragraph 4 or sub-paragraph (c) of paragraph 5 of the Coal Mines Bonus Scheme. Paragraphs 4 and 5 of the Coal Mines Bonus Scheme also do not

speak that only employees of the permanent cadre are qualified to join the Fund or become a member thereof. In paragraph 3 of their statement of demands the workmen have stated that the affected workman has put in continuous service of more than six months during the Quarter Ending December, 1961 and, as such, became a permanent employee in terms of the service conditions applicable to the workmen of the Ena Colliery. No standing order or any other service condition is brought to my notice to show that by having put in a continuous service of more than six months a badli worker can become a permanent employee. The certified standing orders of the Colliery are Ext. M3. As per standing order under 1(g), a "permanent" employee is one who is appointed for an unlimited period or who has satisfactorily put in 6 months' continued service in a permanent post as a "probationer". Under clause (h) of the standing order a "probationer" is one who is provisionally employed to fill a permanent vacancy. But, as I have already pointed out, no appointment order of the affected workman is produced or shown in any other manner that the affected workman was appointed as a "probationer". Ext. M2 are Badli Registers, Ext. M2(a) register shows that the affected workman worked in place of one Mongal from 21st February, 1961 to 11th April, 1961, in place of Sambhu from 22nd May, 1961 to 30th May, 1961, in place of Sambhu Banerjee from 10th July, 1961 to 17th July, 1961, in place of Basu Banerjee from 22nd January, 1962 to 26th March, 1962 and in place of Janki Ram from 2nd July, 1963 to 20th September, 1963. The register, Ext. M2(b) shows that he worked in place of Janki from 22nd May, 1964 to 27th May, 1964, in place of Naimuddin from 4th June, 1964 to 15th June, 1964, in place of Hussain Mia from 17th August, 1964 to 24th August, 1964, in place of Boudi from 17th August, 1964 to 20th August, 1964, in place of Hari Das from 20th August, 1964 to 28th August, 1964 and in place of Tarkeshwar from 3rd September, 1964 to 17th October, 1964. Almost all these entries bear thumb impressions, presumably, of the affected workman. Further, these Exts. are marked by consent of the workmen and, as such, are admitted by them. From these entries the only inference possible is that 21st February, 1961 to 17th October, 1964 the affected workmen worked in place of other workmen and, as such, only in the capacity of a badli workman and not as a "probationer" or a "permanent" employee. The service of a badli workman can be terminated at any time when the employers do not require him any more. The term "badli" or "substitute" is defined in clause (i) of standing order No. 1 of the certified standing orders of the employers colliery as one who is appointed in the post of a permanent employee or probationer who is temporarily absent. In *Sakhil Sterch and Chemicals Vs. State of Punjab* [1962 (II) L.L.J.P. 269] it is held that "badli" workmen have not right to claim that they should be made permanent. The same view is expressed in *Girdharilal Lalji Bhai Vs. Nagrashna* [1964 (II) L.L.J. 235]. Thus, it cannot be said that termination of service of the affected workman was not legal or justified.

5. I, therefore, hold that the action of the management of the Ena Colliery of M/s. North West Coal Co Ltd., in terminating the service of the affected workman, Shri Ali Hussain, Pump Khalasi, with effect from 17th October, 1964 was legal and justified and, as such, he is not entitled to any relief. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO, Presiding Officer.
Central Govt. Additional Industrial
Tribunal at Dhanbad.

APPENDIX I

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE NO. 59 OF 1967

PARTIES : Employers in relation to the Ena Colliery of
Messrs North West Coal Company Limited,
P.O. Dhanbar, Dist. Dhanbad.

AND
Their Workmen.

List of Documents admitted in evidence for the employers

Distinguishing mark or number	Description of document & date	Date of admission	Whether proved or admitted	Proved by
Ext. M1(a) to Ext. M1(d)	Bonus Registers for the years 1961, 1962, 1963 and 1964.	14-8-67	Admitted	..
Ext. M2(a) to Ext. M2(b)	Badli Registers from 3-1-61 to 31-12-63 and from 1-1-64 to 28-12-64.	-do-	-do-	..
Ext. M3	Copy of the certified standing order.	-do-	-do-	..

List of documents admitted in evidence for the workmen

Distinguishing work or No.	Description of document & date	Date of admission	Whether admitted or proved	Proved by
Ext. W1	Provident fund receipt for the year ending 12/63.	14-8-64	Admitted.	..
Ext. W2	Letter dt. 9-11-64 addressed to the Conciliation Officer(C), Dhanbad.	-do-	-do-	..

Sd/- N. VENKATA RAO,
Presiding Officer,
Central Govt. Additional Industrial Tribunal at Dhanbad.

APPENDIX II

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL
AT DHANBAD

REFERENCE NO. 59 OF 1967

PARTIES :

Employers in relation to the Ena Colliery of Messrs North West Coal Company Limited,
P.O. Dhansar, Dist. Dhanbad.

AND

Their Workmen

List of witnesses examined for the employers

No. of witness	Name of the witness	Date of examination
MW 1	Sakaldip Singh	14-8-67

List of witnesses examined for the workmen

No. of witness	Name of the witness	Date of examination
WW 1	Ali Hussain	14-8-67

Sd/- N. VENKATA RAO,
Presiding Officer,
Central Govt. Additional Industrial Tribunal, at Dhanbad

[No. 2/23/65-LRII.]
BALWANT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 29th September 1967

S.O. 3664.—Whereas the resignation of Shri M. G. Shirhatti, Provident Fund Inspector for the whole of the State of Maharashtra was accepted with effect from 31st July, 1967;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby makes the following amendment in the Notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1704, dated the 29th May, 1962, namely:—

In the said Notification, for the words Sarvashri V. K. Gupte and M. G. Shirhatti to be Inspectors' the words "Shri V. K. Gupte to be an Inspector" shall be substituted.

2. This Notification shall be deemed to have come into force on the 31st July, 1967.

[No. 20(65)/64-PF-I.]

S.O. 3665.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. K. J. Somaiya Polytechnic Vidyanagar Vidya Vihar, Bombay-77 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment;

This Notification shall be deemed to have come into force on the 1st day of November, 1966.

[No. 8(29)/67-PF-II.]

S.O. 3666.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Thambi Transport (Private) Limited, No. 4-B, Salai Street, Salem-1, Madras State, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This Notification shall be deemed to have come into force on the 1st day of October 1967.

[No. 8/(121)/67[PF-II.]

S.O. 3667.—Whereas Messrs. Bell's Asbestos and Engineering (India) Private Limited, 24, Chittaranjan Avenue, Calcutta-12 (hereinafter referred to as the said establishment) has applied for exemption under clause (b) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952).

And whereas, the employees of the said establishment are in enjoyment of benefits in the nature of provident fund, pension or gratuity and the Central Government is of opinion that such benefits are on the whole not less favourable to such employees than the benefits provided under the Employees' Provident Funds Act, 1952 (19 of 1952) and the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Act and the said Scheme respectively) in relation to employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme and in pursuance of sub-section (3) of the said section 17, the Central Government hereby directs that—

- (a) the employer in relation to the said establishment shall pay within fifteen days of the close of the month to the Employees' Provident Fund, inspection charges at the rate of 0.09 per cent (zero point zero nine per cent) of the pay (basic wages, dearness allowance, retaining allowance, if any, and cash value of food concession admissible thereon) for

the time being payable to the employees of the said establishment who would have become members under the said Scheme but for this exemption;

- (b) the said employer shall invest the provident fund contributions in Central Government securities within thirty days of the close of the month to which the contributions relate.

THE SCHEDULE

1. The employer shall submit such returns to the Regional Provident Fund Commissioner as the Central Government may, from time to time, prescribe.

2. The employer shall furnish to each employee an annual statement of account or Pass Book.

3. All expenses involved in the administration of the fund including the maintenance of accounts, submission of accounts and returns, transfer of accumulations, payment of inspection charges etc., shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment a copy of the rules of the fund as approved by the appropriate Government and, as and when amended, alongwith a translation of the salient points thereof in the language of the majority of the employees.

5. Where an employee who is already member of the Employees' Provident Fund (Statutory Fund) or the Provident Fund of another exempted establishment is employed in his establishment, the employer shall immediately enrol him as a member of the Fund of the establishment, and accept the past accumulations in respect of such employee and credit to his account.

6. The employer—shall enhance the rate of Provident Fund contribution appropriately if the rate of Provident Fund contributions for the class of establishment in which his—establishment falls is enhanced under the Employees' Provident Funds Act, 1952 so that the benefits under the provident Fund Scheme of the establishment shall not become less favourable than the benefit provided under the Employees' Provident Funds Act, 1952.

7. The establishment shall submit an audited balance sheet of its Provident Fund every year to the Regional Commissioner within 3 months of the close of the year.

8. Notwithstanding anything contained in the Provident Fund rules of the establishment the amount payable to any member, upon his ceasing to be an employee of the establishment or transferable on his transfer to any other establishment by way of employer's and employees' contributions plus interest thereon taken together with the amount, if any, payable under the Gratuity/Pension Rules, be less than the amount that would be payable as employer's and employees' contributions plus interest thereon, if he were a member of the Provident Fund under the Employees Provident Funds Scheme, 1952, the employer shall pay the difference to the member as compensation/special contribution.

9. No amendment of the rules of the Provident Fund shall be made without the previous approval of the Central Provident Fund Commissioner. Where any amendment is likely to affect adversely the interests of the employees, the Central Provident Fund Commissioner shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

[No 11/29/67/PF-II.]

New Delhi, the 30th September 1967

S.O. 3668.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Madan Transport Company 18-A, Nungambakkam High Road, Madras-34, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act the Central Government hereby applies the provisions of the said Act to the said establishment.

This Notification shall be deemed to have come into force on the 1st day of October, 1967.

[No. 8/119/67/PF-II.]

HANS RAJ CHHABRA, Under Secy.

(Department of Rehabilitation)**(Office of the Chief Settlement Commissioner)***New Delhi, the 27th September 1967*

S.O. 3669.—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (No. 44 of 1954), the Central Government hereby appoints Shri D. S. Faujdar, Accounts Officer (Junior) in the Office of the Regional Settlement Commissioner, U.P., Lucknow as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took over charge of his post.

[No. 4(3)AGZ/67.]

A. G. VASWANI,

Settlement Commissioner (A) and Ex-Officio Under Secy.

(Office of the Regional Settlement Commissioner)*New Delhi, the 28th September 1967*

S.O. 3670.—In exercise of the powers vested in me under sub-section (2) of Section 24 of the Administration of Evacuee Property Act, 1950 (Act XXXI of 1950) I, R. B. Mathur, Regional Settlement Commissioner-cum-Custodian of Evacuee Property, New Delhi, hereby delegate to Shri Radha Krishna, Deputy Custodian in my Office the powers of Custodian for the purpose of discharging the duties imposed on the Custodian by or under the said Act with effect from the afternoon of the 27th July, 1967

[No. F. 28(51)/Admn./RSCD/57]

R. B. MATHUR,

Regional Settlement Commissioner-cum-Custodian.

MINISTRY OF RAILWAYS**(Railway Board)***New Delhi, the 4th October 1967*

S.O. 3671.—In exercise of the powers conferred by clauses (f) and (g) of sub-section (1) of section 47 of the Indian Railways Act, 1890 (9 of 1890), the Central Government hereby makes with effect from 15th November, 1967 the following amendment to the rules published with the notification of the Government of India in the Ministry of Railways (Railway Board) No. TC. III/3036/58/Notification dated the 28th August, 1958, as subsequently amended, namely:—

In the 'I. RULES FOR WAREHOUSING AND RETAINING OF GOODS', in rule 1 'Wharfage on goods, luggage and parcels', in column 2 of the Table, under the heading 'Luggage and Parcels Traffic, for the figure and words '48 hours from midnight of date of arrival of luggage or parcel,' the following figure and words shall be substituted, namely:—

"48 hours from the midnight of the day on which the luggage or parcel is made available for delivery."

[No. TC/EP/204/64.]

C. S. PARAMESWARAN, Secy.

(Department of Industrial Development)

(Indian Standards Institution)

New Delhi, the 19th September 1967

S.O. 3072—S.D. In pursuance of sub-regulation (1) of Regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as subsequently amended, the Indian Standards Institution hereby notifies that sixtyfive licences, particulars of which are given in the Schedule hereto annexed, have been renewed.

THE SCHEDULE

Sl. No.	Licence No. and date	Period of From	Validity To	Name and Address of the Licensee	Article/Process Covered by the Licence	Relevant Indian Standard
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	CM/L-13 3-9-1956	1-9-67	31-8-68	Lallubhai Amichand Pvt Ltd., 48/50 Kansara Chawl, Bombay-2.	Wrought aluminium and aluminium alloy utensils	IS:21-1959 Specification for wrought aluminium and aluminium alloys for utensils (<i>second revision</i>)
2	CM/L-14 3-9-1956	1-9-67	31-8-68	The Metal Rolling Works Pvt Ltd., 104, Sion-Matunga Estate, Sion, Bombay-22.	Wrought aluminium and aluminium alloy sheets, strips and circles	IS:21-1959 Specification for wrought aluminium and aluminium alloys for utensils (<i>second revisions</i>)
3	CM/L-136 3-8-1959	16-8-67	15-8-68	Liberty Chemical Works, Nagardas Road, Mogra West, Andheri (East) Bombay.	Sodium thiosulphate photographic grade	IS:246-1964 Specification for sodium thiosulphate photographic grade (<i>revised</i>).
4	CM/L-200 15-6-1960	16-8-67	15-8-68	Bharat Pulverising Mills Pvt. Ltd., 589, Thiruvottiyur High Road, Madras-19.	DDT dusting powders	IS:564-1961 Specification for DDT dusting powders (<i>revised</i>).
5	CM/L-208 29-7-1960	16-8-67	15-8-68	Bengal Chemical & Pharmaceutical Works Ltd., 6, Ganesh Chunder Avenue, Calcutta.	Naphthalene, grade I	IS:539-1965 Specification for naphthalene (<i>revised</i>).
6	CM/L-212 25-8-1960	1-9-67	31-8-68	Cassava (India), 21 Gour Laha Street Calcutta-6	Tea-chest metal fittings	IS:10-1964 Specification for plywood tea-chests (<i>second revision</i>)
7	CM/L-213 25-8-1960	1-9-67	31-8-68	Plywood Mfrs. Co-operative Society Ltd., 11/3A, Canal Circular Road, Calcutta	Tea-chest plywood panels	IS:10-1964 Specification for plywood tea-chests (<i>second revision</i>)
8	CM/L-332 10-8-1961	16-8-67	15-8-68	Tata Fisen Industries Ltd., Union Bank Building, Dalal Street, Fort, Bombay-1.	Endrin emulsifiable concentrates	IS:1310-1958 Specification for endrin emulsifiable concentrates

(1)	(2)	(3)	(4)	(5)	(6)	(7)																		
9	CM/L-440 31-7-1962	16-8-67	15-8-68	Mysore Insecticides Co. Pvt. Ltd., 18 Vaidyanatha Mudali Street, Tondiarpet, Madras-21 having their office at 31-A North Beach Road, Madras-1.	Endrin emulsifiable concentrates	IS:1310-1958 Specification for endrin emulsifiable concentrates																		
10	CM/L-441 31-7-1962	16-8-67	15-8-68	Engineering Products Ltd., Jogesh- wari Estate, Ghodbunder Road, Jogeshwari, Bombay-60.	Three-phase induction motors with class 'A' insulation up to 10 HP	IS:325-1961 Specification for three- phase induction motors (<i>second re- vision</i>) (i) IS:434 (Part I)-1964 Specification for rubber insulated cables with copper conductors (<i>revised</i>) (ii) IS:434 (Part II)-1964 Specification for rub- ber insulated cables with aluminium con- ductors (<i>revised</i> .)																		
11	CM/L-449 24-8-1962	1-9-67	31-8-68	Victor Cables Corpn. 802 Joshi Road Karol Bagh, New Delhi having their Office at Sadar Bazar, Delhi.	<table><tr><th>Type</th><th>Voltage Grade</th><th>Conductor</th></tr><tr><td>(a) VIR Cables for Fixed Wiring</td><td></td><td></td></tr><tr><td>(i) TRS (tough rubber sheathed)</td><td>250/440V</td><td rowspan="4">Copper or alumi- nium</td></tr><tr><td>(ii) Braided and compounded</td><td>250/440 and 650/1 100V</td></tr><tr><td>(iii) Weather proof</td><td>250/440 and 650/1 100V</td></tr><tr><td>(b) VIR Flexible Cords</td><td></td></tr><tr><td>(iv) Twisted twin and braided</td><td>250/440V</td><td>Copper only</td></tr></table>	Type	Voltage Grade	Conductor	(a) VIR Cables for Fixed Wiring			(i) TRS (tough rubber sheathed)	250/440V	Copper or alumi- nium	(ii) Braided and compounded	250/440 and 650/1 100V	(iii) Weather proof	250/440 and 650/1 100V	(b) VIR Flexible Cords		(iv) Twisted twin and braided	250/440V	Copper only	
Type	Voltage Grade	Conductor																						
(a) VIR Cables for Fixed Wiring																								
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(b) VIR Flexible Cords																								
(iv) Twisted twin and braided	250/440V	Copper only																						
12	CM/L-503 24-1-1963	1-8-67	31-7-68	B.D. Khaitan & Co. 29 Colootola Street Calcutta having their office at 5 Clive Row, Calcutta.	Tea-chest metal fittings	IS:10-1964 Specification for plywood tea-chests (<i>second revision</i>)																		
13	CM/L-563 18-7-1963	16-8-67	15-8-68	Bharat Pulverising Mills Pvt. Ltd., Chakala, Andheri Kurla Road, Bombay-69 having their office at Sayani Road, Bombay-28	Parathion emulsifiable concen- trates	IS:2129-1962 Specification for parathion emulsifiable concentrates																		
14	CM/L-568 8-8-1963	1-9-67	31-8-68	Tata Fison Industries Ltd. Pandit Motilal Nehru Road, Jamuna Kinara, Agra having their office at Union Bank Building, Dalal Street, Fort, Bombay-1.	Copper oxychloride water dis- persible powder concentra- tes	IS:1507-1966 Specification for copper oxychloride water dispersible powder concentrates (<i>first revision</i>)																		

Sl. No.	Ld. No.	Dt.	Sr.	Name of the Firm	Address	Product	Specification
				Ludhiana Kinara	Office at Union	Emulsifiable concentrates	IS:1310-1958 Specification for emulsifiable concentrates
					6, Dalal Street, Fort,		
				Carbon & Ribbon Mfg. Co. Ltd.	Plot No. 66A, Industrial Area, Faridabad Township, having their office at N-75 Bombay Life Bldg. Connaught Circus, New Delhi	Ink, duplicating all weather, black for rotary type machine	IS:1222:1957 Specification for ink duplicating, all weather, black for rotary type machines
		1-7-68		Sanganeria Co. Pvt. Ltd.	9 Jagmohan Mullick Lane, Calcutta	Structural steel (standard quality)	IS:226-1962 Specification for structural steel (standard quality) (third revision)
		1-67	31-7-68	Sanganeria Co. Pvt. Ltd.,	9 Jagmohan Mullick Lane, Calcutta.	Structural steel (ordinary quality)	IS:1977-1962 Specification for structural steel (ordinary quality).
19	CM/L-726	1-8-67	31-7-68	Ludhiana Steel Rolling Mills	Miller-ganj Ludhiana.	Structural steel (standard quality).	IS:226-1962 Specification for structural steel (standard quality) (third revision)
20	CM/L-727	1-8-67	31-7-68	Ludhiana Steel Rolling Mills,	Miller-ganj Ludhiana.	Structural steel (ordinary quality).	IS:1977-1963 Specification for structural steel (ordinary quality)
21	CM/L-739	1-8-67	31-7-68	International Engineering Service,	54 Agra Road, Bhandup, Bombay-78.	Domestic pressure cookers (pressed) 4,5,6,8 and 12 litres capacity.	IS:7346-1966 Specification for domestic pressure cookers (revised).
22	CM/L-742	16-8-67	15-8-68	Croplife Chemicals Pvt. Ltd.,	32 Foreshore Road, Sibpore, Howrah having their office at 2 Sooterkin Street, Calcutta-13	Endrine emulsifiable concentrates.	IS:1310-1958 Specification for endrine emulsifiable concentrates.
23	CM/L-743	16-8-67	15-8-68	Croplife Chemicals Pvt. Ltd.,	32 Foreshore Road, Sibpore, Howrah having their office at 2 Sooterkin Street, Calcutta-13.	Dieldrin emulsifiable concentrates.	IS:1054-1962 Specification for dieldrin emulsifiable concentrates (revised).
24	CM/L-744	16-8-67	15-8-68	Bengal Potteries Ltd.,	3 Pagaladanga Road, Calcutta having their Registered office at 45 Tangra Road, Calcutta-15.	Porcelain insulated for overhead power lines (11 kV, pin type)	IS:731-1963 Specification for porcelain insulators for overhead power lines (3.3 kV and above) (revised).
25	CM/L-745	16-8-67	15-8-68	Lloyd Bitumen Products Pvt. Ltd.,	1 Taratola Road, Calcutta-16.	Hot applied sealing compounds for joints in concrete, grade 'B' (jet feul resistant).	IS:1834-1961 Specification for hot applied sealing compounds for joints in concrete.
26	CM/L-747	1-9-67	31-8-68	Radio & Electricals Mfg Co Ltd.,	Mysore Road, Bangalore-18.	Water meters (domestic type) dry-dial type, 15 mm., 20 mm and 25 mm sizes.	IS:779/1965 Specification for water meters (domestic type) (second revision).

(1)	(2)	(3)	(4)	(5)	(6)	(7)
27	CM/L-750 30-7-1964	1-9-67	31-8-68	Ankar Industries, Jessore Road, P.O. Madhyamgram, 24 Parganas (W. Bengal).	BHC emulsifiable concentrates.	IS:632-1966 Specification for BHC emulsifiable concentrates (<i>revised</i>).
28	CM/L-753 4-8-1964	16-8-67	15-8-68	Hindusthan Twyford Ltd., Bahadurgarh, Distt. Rohtak.	Flushing cisterns for water closets and urinals (valveless siphonic type) vitreous china.	IS:774-1964 Specification for flushing cisterns for water closets and urinals (valveless siphonic type) (<i>second revision</i>).
29	CM/L-754 4-8-1964	16-8-67	15-8-68	Hindusthan Twyford Ltd., Bahadurgarh, Distt. Rohtak.	Vitreous sanitary appliances consisting of (1) Squatting pans, long pan pattern, size 450 mm, 630 mm, 580 mm and 680 mm; (2) Squatting pans, Orissa pattern, size 630 × 450 mm, 580 × 440 mm; (3) Wash basins, flat back, size 450 × 300 mm, 550 × 400 mm and 630 × 450 mm; (4) Sinks, laboratory size 400 × 250 × 150 mm; (5) Urinals (bowls flat back); (6) Wash-down water closets; and (7) Pedestals for wash basins.	IS:2556-1963 Specification for vitreous sanitary appliances (vitreous).
			2-68	Mohan Meakin Breweries Ltd., Mohan Nagar, Ghaziabad (U.P.)	Malt extract	IS:2404-1963 Specification for malt extract.
				Sree Venkateswara Minerals (Pvt.) Ltd., 3 Elaiya Mudali St., Tondiaras having their Registered Office at Thambu Chetty Street, Madurai.	DDT dusting powders.	IS:564-1961 Specification for DDT dusting powders (<i>revised</i>).
				Steel Ltd., 29-30 Dinshaw	Structural steel (standard quality)	IS:226-1962 Specification for structural steel (standard quality) (<i>third revision</i>).

33	CM/L-764 24-8-1964	1-9-67	31-8-68	Krishna Steel Industries Pvt. Ltd., 29-30 Vaswani Mansion, 120 Dinshaw Vachha Road, Churchgate Reclamation, Post Box No. 93-A, Bombay	Structural steel (ordinary quality)	IS:1977-1962 Specification for structural steel (ordinary quality)
34	CM/L-765 28-8-1964	1-9-67	31-8-68	The Punjab Steel Rolling Mills, Old Station, Baroda	Structural steel (standard quality)	IS:226-1962 Specification for structural steel (standard quality) (third revision)
35	CM/L-766 24-8-1964	1-9-67	31-8-68	The Punjab Steel Rolling Mills, Old Station, Baroda	Structural steel (ordinary quality)	IS:1977-1962 Specification for structural steel (ordinary quality)
36	CM/L-769 24-8-1964	[1-9-67]	31-8-68	Rathi Steel Rolling Mills Pvt. Ltd., Loni Road, Shahdara, Delhi-32	Structural steel (standard quality)	IS:226-1962 Specification for structural steel (standard quality) (third revision)
37	CM/L-770 24-8-1964	[1-9-67]	31-8-68	Rathi Steel Rolling Mills Pvt. Ltd., Loni Road, Shahdara, Delhi-32	Structural steel (ordinary quality)	IS:1977-1962 Specification for structural steel (ordinary quality)
38	CM/L-771 24-8-1964	1-9-67	31-8-68	Taj Iron & Steel Works Pvt. Ltd., Taj Manzil, 247 Maulana Azad Road, Bombay-8	Structural steel (standard quality)	IS:226-1962 Specification for structural steel (standard quality) (third revision)
39	CM/L-772 24-8-1964	1-9-67	31-8-68	Taj Iron & Steel Works Pvt. Ltd., Taj Manzil, 247 Maulana Azad Road, Bombay-8	Structural steel (ordinary quality)	IS:1977-1962 Specification for structural steel (ordinary quality)
40	CM/L-778 27-8-1964	1-9-67	31-8-68	Oriental Power Cables Ltd., Cablenagar Distt. Kota (Rajasthan)	Paper insulated lead sheathed cables (with aluminium conductors) for electricity supply up to and including 33 kV	IS:692-1965 Specification for paper insulated leads sheathed cables for electricity supply (revised)
41	CM/L-1010 10-2-1965	16-8-67	15-8-68	The Plant Protection Products (Pvt.) Ltd. Kodavallur (S. Rly), Nellore Distt. having their office at 5.355 Stonehousepet, Nellore-2	Endrin emulsifiable concentrates	IS:1310-1958 Specification for endrin emulsifiable concentrates
42	CM/L-1112 20-7-1965	16-8-67	15-8-68	Dhiman Scientific Works, Dhiman Buildings, Bengali Mahalla, Ambala cantt.	Wooden metric scales for general purposes, grade B, 50 cm and 100 cm only	IS:14801-960 Specification for metric scale for general purposes

(1)	(2)	(3)	(4)	(5)	(6)	(7)
43	CM/L-11115 28-7-1965	1-8-67	31-7-68	The Laboratory Glassware Co, 3612, Timber Market, Ambala Cantt.	One-mark pipettes VIR cables for fixed wiring	IS:1117-1958 Specification for one mark pipettes
44	CM/L-11112 28-7-1965	16-8-67	15-8-68	Diamond Rubber Works Pvt. Ltd. Station Road, Bhandup, Bombay-78 having their Registered office at 276 Nagdevi Street, Bombay-3	VIR cables for fixed wiring with aluminium conductors (i) tough rubber sheathed 250/440 volts graded (ii) Braided and compounded (taped), 650/1 100 volts grade (iii) Weatherproof (house service overhead system), 650/1 100 Volts grade	IS:434 (Part II)-1964 Specification for rubber insulated cables with aluminium conductors (revised)
45	CM/L-11122 6-8-1965	16-8-67	15-8-68	Cyanamid India Ltd., Atul Post Office. Via Bulsar having their registered office at 'The International', 16 Queen's Road, Bombay-1	Malathion emulsifiable concentrates	IS:2567-1963 Specification for malathion emulsifiable concentrates
46	CM/L-11125 12-8-1965	16-8-67	15-8-68	The Fort William Co Ltd. (Steel Wire & Rope Division), 6/A, G. T. Road, Konnagar, Distt Hooghly, West Bengal having their Registered Office at 14 Netaji Subhas Road, Calcutta-1	(i) Steel wire ropes for winding purpose in mines (ii) Steel wire ropes for haulage purpose in	IS : 1855-1961 Specification for steel wire ropes for winding purpose] in mines IS:1856-1961 Specification for steel wire ropes for haulage purposes in mines
47	CM/L-11127 12-8-1965	1-9-67	31-8-68	Express Cables Pvt. Ltd. P. O. Neora, Distt Patna having their Head office at 51 Stephen House, 4 Dalhousie Square East, Calcutta-1	Hard-drawn standard aluminium and steelcored aluminium conductors for overhead power transmission purposes	IS:398-1961 Specification for hard-drawn standard aluminium and steel-cored aluminium conductors for overhead power transmission purposes (revised)
48	CM/L-11128 12-1-1965	1-9-67	31-8-68	The Calcutta Silk Mfg Co Ltd, 23 B. T. Road, P. O. Sukchar (24 Parganas) having their office at 37 Vivekananda Road, Calcutta-7	Rayon satin variety No. 202, 204 and 208 only	IS:1453-1959 Specification for rayon satin
49	CM/L-12111 15-2-1966	1-9-67	29-2-68	Fordham Pressings (India) Pvt. Ltd. Bombay-77	Pressed steel flushing cisterns for water closets and urinals (valveless siphonic type), High level 12.5 litre capacity	IS:774-1964 Specification for flushing cisterns for water closets and urinals (valveless siphonic type) (second revision)

50	CM/L-1276 6-6-1966	[1-9-67	31-8-68]	Digvijaya Industries Pvt. Ltd., Bangrod, Ratlam (M.P.)	Structural steel (standard quality)	IS:226-1962 Specification for structural steel (standard quality) (third revision)
51	CM/L-1277 6-6-1966	[1-9-67	31-8-68]	Digvijaya Industries Pvt. Ltd., Bangrod Ratlam (M.P.)	Structural steel (ordinary quality)	IS:1977-1962 Specification for structural steel (ordinary quality)
52	CM/L-1289 30-6-1966	16-7-68	15-7-68	Parahuram Pottery Works Co. Ltd., Thangadh, Near Rly. Station, Than Junction (Gujarat State) having their Registered office at Morvi	Vitreous sanitary appliances (vitreous china) consisting of (1) Squatting pans and traps long pattern, size 450, 580 and 680 mm (2) Wash-down water-clo- sets pattern with 'P' trap and 'S' trap (3) Squatting pans and traps, Orissa pattern size 580 x 440 mm (4) Wash basins flat back, size 630 x 450 mm and 550 x 400 mm with two traps and 450 x 300 mm with one trap (5) Wash basins, angle back pattern, size 600 x 480 mm (6) Urinals, bowl pattern, flat back, size 430 x 260 x 350 mm (7) Urinals, bowl pattern, angle back, size 340 x 430 x 265 mm (8) Squatting plate urinal size 600 x 350 mm and 450 x 350 mm	IS:2556-1963 Specification for vitreous sanitary appliances (vitre- ous china)
53	CM/L-1300 25-7-66	[1-8-67	[31-7-68	Bhandari Crossfields Pvt. Ltd., Mangalia Goan (Near Indore) having their Registered Office at 27 Mahatma Gandhi Road, Indore City	Balanced feed mixtures for cattle	IS : 2052-1962 Specification for balanced feed mixtures for cattle.

(1)	(2)	(3)	(4)	(5)	(6)	(7)
54	CM/L-1303 28-7-1966	16-8-67	15-8-68	The Eveready Flashlight Co. Division of Union Carbide (India) Ltd., Mill Road, Aishbagh, Lucknow (U.P.)	Flashlights	IS:2083-1962 Specification for flashlights.
55	CM/L-1306 28-7-1966	16-8-67	15-8-68	Venkateswara Agro Chemicals & Minerals, 6/303 T.H. Road, Madras-21.	Endrin emulsifiable concentrates	IS:1310-1958 Specification for endrin emulsifiable concentrates.
56	CM/L-1307 28-7-1966	1-8-67	31-7-68	The Structural Waterproofing Co. Pvt. Ltd., No. 8 Sevak Baidya Street, Calcutta-29 having their office at 21/1 Dover Road, Ballygunge, Calcutta-19.	Integral cement waterproofing compound	IS:2645-1964 Specification for integral cement waterproofing compounds.
57	CM/L-1308 29-7-1966	16-8-67	15-8-68	Inland Electrical Mfg Co. Pvt. Ltd., Basunagar, Madhyamgram, 24 Parganas (West Bengal)	Direct-on-line motor starter, ordinary duty upto 5.6 kw (or 7.5 HP), 400/440 volts	IS:1822-1961 Specification for motor starter of voltage up to 650 volts.
58	CM/L-1309 29-7-1966	16-8-67	15-8-68	Plant Protection Products (Pvt.) Ltd., Kodavalur (S. Ry), Nellore Distt having their office at 5/355 Stone-housepet, Nellore-2 (A.P.)	Malathion emulsifiable concentrates	IS:2567-1963 Specification for malathion emulsifiable concentrates.
59	CM/L-1312 29-7-1966	16-8-67	15-8-68	Mysore Feeds (Pvt) Ltd., Mysore Road, Nayandaballi, Bangalore having their office at 230 Old Tharagupet, Bangalore-2.	Poultry feeds growing, laying and starting	IS:1364-1964 Specification for poultry feeds.
60	CM/L-1314 10-8-1966	16-8-67	15-8-68	The National Screw & Wire Products Ltd, Belur, Distt Howrah, West Bengal.	Cotton-covered, round copper conductors	IS:450-1964 Specification for cotton covered round copper conductors.
61	CM/L-1317 29-8-1966	1-9-67	31-8-68	Hindustan Wires Ltd, B. T. Road, P. O. Sukchar, Distt 24-Parganas having their Regd Office at 16/5 Chowringhee Road, Calcutta-13.	Galvanized round steel armour wire	(i) IS:434 (Part I)-1964 Specification for rubber insulated cables with copper conductor (<i>revised</i>). (ii) IS:434 (Part II)-1964 Specification for rubber insulated cables with aluminium conductors (<i>revised</i>). (iii) IS:1554 (Part D) 1964 Specification for PVC Insulated (Heavy Duty) Electric Cables for Working Voltages up to and including 1100 Volts.

62	CM/L-1319 29-8-1966	1-9-67	31-8-68	Dukart & Co. Pvt. Ltd, 58/12, Prince Anwar Shah Road, Calcutta-33 having their office at 42-A, Madan Boral Lane, Calcutta-12.	Integral cement waterproofing compound	IS:2645-1964 Specification for integral cement waterproofing compounds.
63	CM/L-1324 31-8-1966	1-9-67	31-8-68	Ashok Metal Industries, 6 Sewree cross Road, Bombay-15.	Lead pipe for chemical industry (for composition No. 4).	IS: 404-1962 Specification for lead pipes (revised).
64	CM/L-1325 31-8-1966	1-9-67	31-8-68	The Premier Cable Co.Ltd, Karukutty, Ernakulam Distt (Kerala State) having their registered office at Chelur Building, Mahatma Gandhi Road, Ernakulam-6.	PVC insulated cables with aluminium conductors of the following types :— 250/440 Volts Grade (i) Single core (PVC sheathed) (ii) Single core (Unsheathed) (iii) Twin core with E.C.C. (iv) Three core flat (v) Three core circular 650/1 100 Volts Grade (i) Single core (PVC sheathed) (ii) Single core (unsheathed) (iii) Three core flat (iv) Three core circular	IS:-694 (Part II)-1964 Specification for PVC insulated cables (for voltages up to 1 100 volts) with aluminium conductors.
65	CM/L-1327 31-8-1966	1-9-67	31-8-68	Imperial Chemical Industries Pvt. Ltd, Rishra, Distt. Hooghly, West Bengal having their office at ICI House, 34 Chowringhee, Calcutta-16.	Low density polythene pipe for cold water services, normal gauge and heavy gauge	IS: 3076 (Part I)-1965 Specification for low density polythene pipes for cold water services Part I up to 50 mm size.

[No. MD/33 : 16/A]

New Delhi, the 22nd September 1967

S.O. 3673.—In pursuance of sub-regulations(2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standard(s), particulars of which are given in the Schedule hereto annexed, have been established during the period 1 to 15 September 1967:

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard Established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1	IS : 51-1966 Specification for zinc chromes for paints (<i>second revision</i>)	IS : 51-1963 Specification for zinc chromes for paints (<i>revised</i>)	This standard prescribes the requirements and the methods of sampling and test for zinc chromes (Price Rs. 6.00).
2	IS : 1179-1967 Specification for equipment for eye and face protection during welding (<i>first revision</i>)	IS : 1179-1957 Specification for equipment for eye and face protection during welding.	This standard covers the requirements of goggles, hand shield and helmet intended to protect an operator above the shoulder, from harmful radiation, spark and particles of hot metal during welding, cutting and similar operations employing a gas flame or electric arc (Price Rs. 6.00)
3	IS : 1280-1967 Specification for foundry moulding boxes of steel construction (<i>first revision</i>)	IS : 1280-1958 Specification for foundry moulding boxes.	This standard covers dimensions of foundry moulding boxes fabricated from steel and their main components. The range of sizes covered is from 315 × 315 × 80mm to 2000 × 2000 × 500 mm. This standard applies only to box parts with pin holes on the longitudinal centre line (Price Rs. 4.00).
4	IS : 1368-1967 Dimensions of ends of bolts and screws. (<i>first revision</i>)	SI : 1368-1961 Dimensions of ends of bolts and screws.	This standard lays down the dimensions for ends of general purpose bolts and screws in the diameter range 1.6 to 150 mm (Price Rs. 2.00).
5	IS : 1821-1967 Dimensions for clearance holes for metric bolts (<i>first revision</i>)	IS : 1821-1961 Dimensions for clearance holes for metric bolts.	This standard specifies the dimensions for clearance holes for general purpose bolts in the diameter range 1.6 to 150 mm (Price Rs. 2.00).
6	IS : 1911-1967 Schedule of unit weights of building materials (<i>first revision</i>)	IS : 1911-1961 Schedule of unit weights of building materials.	This standard lays down unit weights of materials and parts or components used in building construction (Price Rs. 12.00).
7	IS : 2115-1967 Code of practice for flat roof finish : mud PHUSKA (<i>first revision</i>)	IS : 2115-1962 Code of practice for flat roof finish : mud PHUSKA	This standard covers the laying of mud PHUSKA with or without brick-tiling, on a flat roof surface (Price Rs. 3.50).
8	IS : 2338 (Part I)—1967 Code of practice for finishing of wood and wood based materials Parts I Operations and Workmanship.		This standard deals with operations and workmanship for the finishing of wood and wood-based materials with the pigmented and clear finishes (Price Rs. 5.50).

(1)	(2)	(3)	(4)
9	IS : 2377—1967 Tables for volumes of cut sizes of timber (first revision)	IS : 2377-1963 Tables of volume of cut sizes of timber.	This standard provides tables for volume of cut sizes of timber covered by IS: 1331-1966. Lengths from 30 to 500 cm are covered in steps of 5 cm. Volumes are given in cubic metres correct up to five decimal places (Price Rs. 14.00).
10	IS : 2720 (Part XXVI)—1967 Methods of test for soils. Part XXVI determination of pH value.	..	This standard lays down the procedure for the determination of the pH value of soil suspension (Price Rs. 2.00).
11	IS : 3595—1967 Code of practice for fire safety of industrial buildings : coal pulverizers.	..	This code covers the essential requirements of fire safety of buildings housing all types of coal pulverizing mills and their associated equipment used in connection with power generation, coke or briquette making and pulverized fuel fired furnaces (Price Rs. 4.00).
12	IS : 3813—1967 Specification for 'C' hooks for use with swivels.	..	This standard covers the requirements of high tensile steel hooks for use with swivels according to 'Indian Standard Specification for swivels' (under preparation). The requirements of trapezoidal-section type hooks only have been covered in this standard (Price Rs. 4.00).
13	IS : 3889—1967 Specification for dental chisels.	..	This standard covers the detail requirements for dental chisels (Price Rs. 3.50).
14	IS : 3907 (Part-II)—1967 Code for the transport of laboratory animals Part II transport of snakes.	..	This code prescribes the conditions for the transport of snakes by air and rail (Price Rs. 2.50).
15	IS : 3907 (Part III)—1967 Code for the transport of laboratory animals Part III transport of frogs.	..	This code prescribes the condition for the transport of frogs by rail and air (Price Rs. 2.00).
16	IS : 3937—1967 Recommendations for socketing of wire ropes with molten metal.	..	This recommendation covers the procedure to be adopted in socketing of stranded wire ropes by molten lead-tin alloys so that maximum safety is assured (Price Rs. 2.00).
17	IS : 3967—1967 Specification for catch.]	..	This standard prescribes the requirements and the methods of sampling and test for catch used for non-edible purposes, mainly in tanning leather, in oil well drilling and for descaling boiler deposits (Price Rs. 3.50).
18	IS : 3968-1967 Specification for wattle bark	..	This standard specifies the requirements and the methods of sampling and test for wattle bark intended for tanning and for use in the manufacture of tanning extract (Price Rs. 5.00).

(1)	(2)	(3)	(4)
19	IS : 4013—1967 Specification for dust-tight electric lighting fittings.	..	This standard covers lighting fittings of dust-tight construction intended for use in atmospheres laden with dust of explosives, organic or inorganic and dusts of metals and such of these factory dusts which are classified in Class 1, namely dusts which ignite and propagate flame readily, the source of heat required for ignition being small (Price Rs. 7.00).
20	IS : 4012—1967 Specification for dust-proof electric lighting fittings.	..	This standard covers lighting fittings of dust-proof construction intended for use in atmospheres laden with dusts of Class 2 and Class 3 varieties as mentioned below:— Class 2—Dusts which ignite readily with flame but require a larger source of ignition. Class 3—Dusts which do not ignite in the tests. (Price Rs. 7.00).
21	IS : 4047-1967 Specification for heavy duty air-break switches and composite units of air-break switches and fuses for voltages not exceeding 1,000 volts.	..	This specification covers air-break switches and series combination of air-break switches and fuses forming a composite unit, having not more than four poles (excluding auxiliary contacts) with rated current not exceeding 1 250 amperes and intended for use in distribution systems of ac or dc or both, where the rated voltage between poles does not exceed 1,000 volts (Price Rs. 7.00).
22	IS : 4050-1967 Methods of tests for horn switches for automobiles.	..	This standard covers the methods of tests for horn switches used in automobiles (Price Rs. 1.50).
23	IS : 4054-1966 Specification for neatsfoot oil.	..	This standard prescribe the requirements and the methods of sampling and test for neatsfoot oil for use in leather industry (Price Rs. 2.00)
24	IS : 4055-1966 Specification for maize (corn) oil.	..	This standard prescribes the requirements and the methods of sampling and test for maize (corn) oil (Price Rs. 2.00).
25	IS : 4064-1967 Specification for normal duty air-break switches and composite units of air-break switches and fuses for voltages not exceeding 1,000 volts.	..	This specification covers air-break switches and series combination of air-break switches and fuses forming a composite unit, having not more than four poles (excluding auxiliary contacts) with rated current not exceeding 1 250 amperes and intended for use in distribution systems of ac or dc or both, where the rated voltage between poles does not exceed 1,000 volts (Price Rs. 7.00).

(1)	2)	(3)	(4)
26	IS : 4075-1967 Methods of macrostreak flaw test for steel	..	This standard prescribes the method for carrying out the macrostreak flaw test for steel. (Price Rs. 2.00).
27	IS : 4080-1967 Specification for vertical staff gauges.	..	This standard specifies the functional requirements, tests and materials to be used for a vertical staff gauge (Price Rs. 2.50).
28	IS : 4111 (Part I)—1967 Code of practice for ancillary structures in sewerage system Part I manholes.	..	This standard covers the requirements for design considerations, construction, safety measures to be adopted for manholes and types of manholes (Price Rs. 5.00).
29	IS : 4111 (Part III)—1967 Code of practice for ancillary structures in sewerage system Part III inverted syphon.	..	This standard covers the requirements of design considerations, materials, construction, safety measures to be adopted, etc., for inverted syphon in sewerage system (Price Rs. 2.50).
30	IS : 4123—1967 Specification for chain pipe wrenches.	..	This standard covers the requirements for chain pipe wrenches (Price Rs. 3.50).
31	IS : 4125-1967 Glossary of terms pertaining to defects in fabrics	..	This standard prescribes definitions of terms pertaining to defects in textile fabrics. Some principal causes for some of the defects are also given (Price Rs. 7.50).
32	IS : 4139-1967 Specification for sandlime bricks.	..	This standard covers the requirements of sandlime bricks of the calcium silicate type (Price Rs. 4.00).
33	IS : 4144-1967 Specification for carrom-strikers	..	This standard lays down the material, dimensional and constructional requirements of carrom-strikers (Price Rs. 2.00)
34	IS : 4149-1967 Specification for post-mortem rubber gloves.	..	This standard prescribes the requirements and methods of sampling and test for gloves made from natural or synthetic rubber for use in post-mortem surgical work (Price Rs. 3.50).
35	IS : 4154-1967 Specification for endotracheal connections.	..	This standard covers the requirements of endotracheal connections of Nosworthy, Magill, Rowbotham and Ayre's T-patterns and suction unions of Cobb and Magill patterns (Price Rs. 5.00).
36	IS : 4160-1967 Specification for interlocking switch socket outlet.	..	This standard covers the requirements for interlocking type switch socket outlets having ratings up to and including 30 amperes and suitable for use in ac and dc circuits at rated voltages not exceeding 250 volts (Price Rs. 7.00).
37	IS : 4161-1967 Specification for Nessler cylinders.	..	This standard prescribes the requirements and methods of test for Nessler cylinders used in laboratories for comparing the colour of light coloured liquids (Price Rs. 2.50).

(1)	(2)	(3)	(4)
38	IS : 4172-1967 Dimensions for radii under the head of the bolts and screws.	..	This standard lays down the dimensions for the radii under the head of general purpose bolts and screws, in the diameter range 1.6 to 150 mm for all the three grades of bolts and screws covered in IS: 1367-1967 (Price Rs. 2.00).
39	IS : 4187-1967 Specification for skewers for use on cotton speed frames.	..	This standard prescribes the requirements of skewers for use on cotton speed frames in conjunction with flyer bobbins having lift from 175 to 350 mm (Price Rs. 2.50).
40	IS : 4216-1967 Specification for needle cages.	..	This standard specifies the requirements of needle cages used as a type of rolling bearing for high load carrying capacity (Price Rs. 2.00).
41	IS : 4217-1967 Specification for needle rollers.	..	This standard specifies the requirements for needle rollers, used as rolling element in needle bearings of nominal diameter up to 5 mm and the ratio of the nominal length to the nominal diameter in the range of 3 to 10 (Price Rs. 3.50).

Copies of these Indian Standards are available, for sale, with the Indian Standards Institution, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) Bombay Mutual Terrace, Sandhurst Bridge, Bombay-7, (ii) Third and Fourth Floors, 5 Chowringhee Approach, Calcutta-13, (iii) Second Floor, Sathyamurthi Bhavan, 54 General Patters Road, Madras-2 and (iv) 117/418B, Sarvodaya Nagar, Kanpur.

[No. MD/13:2]

S.O. 3674.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed have been issued under the powers conferred by the sub-regulation (1) of Regulation 3 of the said Regulations.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. and Date of Gazette Notification in which the establishment of the Indian Standard was notified	No. and Date of the Amendment	Brief particulars of the Amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)	(5)	(6)
1	IS : 1148-1964 Specification for rivet bars for structural purposes (revised)	S.O. 4120, dated 5, December 1964.	No. 1 June 1967	(i) Clauses 1.1.1, 8.4 and Table 1 have been substituted by new ones. (ii) A new clause 7.2 has been added	Immediate effect.
2	IS : 1977-1962 Specification for structural steel (ordinary quality)	S.O. 381, dated 29 December, 62.	No. 1 August 67	Clauses 0.3, 0.5, 1.1, 1.1.1, 4.1, 5.1 and Table 1 have been amended.	

(1)	(2)	(3)	(4)	(5)	(6)
3	IS : 2909-1964 Dimensions for star grips.	S.O. 618, dated 20 February, 1965	No. 1. September 1967	Page 7, Table 3 third row under last column—Substitute '3 × 30' for '3 × 32'	30 September 1967

Copies of these amendment slips are available, free of cost, with the Indian Standards Institution, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branches at (i) Bombay Mutual Terrace, Sandhurst Bridge, Bombay-7, (ii) Third and Fourth Floors, 5 Chowringhee Approach, Calcutta-13, (iii) Second Floor, Sathyamurthi Bhavan, 54 General Patters Road, Madras and (iv) 117/418, Sarvodaya Nagar, Kanpur.

[No. MD/13:5].

New Delhi, the 28th September 1967

S.O. 3675.—In licence No. CM/L-525, dated 28th March 1963 held by M/s. Weights & Measures Syndicate, 76/2, Ichapur Road, Howrah the details of which are published under S.O. 2651 in the Gazette of India, Part II, Section 3, Sub-section 3(ii), dated 5th August, 1967, small three phase induction motors of 2 HP with Class 'A' insulation, conforming to IS:325-1961, have been included with effect from 25 July 1967.

[No. MD/35:1244.]

S.O. 3676.—In licence No. CM/L-663, dated 1st May, 1964 held by M/s. Industrial Cables (India) Ltd., Industrial Area, Rajpura (Punjab), the details of which are published under S.O. 2651 in the Gazette of India, Part II, Section (3), Sub-Section 3(ii), dated 5th August, 1967, paper-insulated lead-sheathed cables (with aluminium conductors) for electricity supply upto and including 33 KV have been included with effect from 19th July, 1967.

[No. MD/35:1244.]

S.O. 3677.—In licence No. CM/L-1244, dated 21st April, 1966 held by M/s. Shamsher Sterling Cable Corpn. Ltd., Kirol-Ghatkopar, Bombay-77 having their Regd. Office at Vaswani Mansions, Dinsha Vacha Road, Bombay-1, the details of which are published under S.O. 2176 in the Gazette of India, Part II, Section (3), Sub-section 3(ii), dated 1st July, 1967, Hard-drawn stranded aluminium and steel-cored aluminium conductors for overhead power transmission purposes (upto 4.39 mm diameter only) have been included with effect from 1st July, 1967.

[No. MD/55:1244.]

S.O. 3678.—In licence No. CM/L-1335 dated 27th September, 1966 held by M/s. Electric Manufacturing Co. Ltd., 136, Jessore Road, Calcutta-28, the details of which are published under S.O. 3299 in the Gazette of India, Part II, Section (3) sub-Section 3(ii), dated 5th November, 1966, the following type of fittings for aluminium and steel cored aluminium conductors for overhead power lines, conforming to IS: 2121-1962, has been included with effect from 15th June, 1967:

Armour rods.

[No. MD/55:1244.]

S.O. 3679.—In licence No. CM/L-1341, dated 30th September, 1966 held by M/s. Aluminium Industries Ltd., No. 1 Ceramic Factory Road, Kundara, Kerala State, the details of which are published under S.O. 3299 in the Gazette of India, Part II, Section (3) Sub-section 3(ii), dated 5th November, 1966, the following types of thermoplastic insulated weatherproof cables have been included with effect from 10th July, 1967 :

- (a) PVC insulated and PVC sheathed cables of (i) single core, 250/440 volts with aluminium conductors, (ii) single core 650/1100 volts with aluminium conductors and (iii) flat twin core 650/1100 volts with aluminium conductors, conforming to IS:3035 Part I-1965; and

- (b) Polythene insulated, taped, braided and rompounded cable of single core 250/440 volts with aluminium conductors, conforming to IS:8035 Part II-1965.

[No. MD/55:1244.]

(Dr.) SADGOPAL,

Dy. Director General.